UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.96/SR.520
21 October 1997

Original: ENGLISH

EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-eighth session

SUMMARY RECORD OF THE 520th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 15 October 1997, at 10 a.m.

Chairman: Mr. RODRIGUEZ CEDEÑO (Venezuela)
(Vice-Chairman)

CONTENTS

ANNUAL THEME: REPATRIATION CHALLENGES (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Executive Committee will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-03148 (E)

The meeting was called to order at 10.20 a.m.

ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (continued) (A/AC.96/882 and 887)

1. Mr. KAVADZE (Observer for Georgia) expressed his gratitude to UNHCR's staff and to the High Commissioner for their outstanding contribution to solving refugee problems and to the Governments of the United States, Switzerland, Denmark and other donor countries for the funds provided for the UNHCR programme in Georgia.

2. Since its establishment in Georgia, the UNHCR office in Tbilisi had been actively involved in the implementation of post-conflict programmes in the Abkhazia and South Ossetia regions. Abkhazia had been at the top of the Georgian Government's agenda for the past five years. Unfortunately, despite the mediation of the United Nations and the involvement of the international community, efforts to convince the Abkhaz authorities to accept a framework of negotiations which would respect the integrity of Georgia's borders had so far been fruitless, as had the efforts of the international community through the Friends of Georgia contact group. The President of Georgia, Mr. Shevernadze, had recently drawn attention to the danger that acute problems in Abkhazia might detonate and spill over into a much broader area, thereby creating a threat to international peace and security.

3. Pending a breakthrough in the negotiation process, UNHCR continued to assist spontaneous returnees to the Gali area to resettle permanently by providing rehabilitation packages and income-generating activities. The Government of Georgia welcomed UNHCR's increased involvement in other districts of Abkhazia because it would balance the support provided to Gali and help prevent tension between the two ethnic communities. It would also allow UNHCR to extend its field of monitoring and become more familiar with the situation in other areas of Abkhazia.

4. The year 1997 was a transitional year for humanitarian assistance to internally displaced persons residing in government-controlled areas of Georgia. Despite an overall improvement, many internally displaced persons were in critical circumstances and the programme specifically targeted the most vulnerable and needy beneficiaries.

5. As a result of the shortage of funds, UNHCR had had to prioritize its activities and focus, first, on capitalizing on the opportunity for the voluntary repatriation of Georgian refugees to South Ossetia and, secondly, on further boosting its assistance to the estimated 30,000 spontaneous returnees in the Gali region and creating conditions for the sustainable return of the remainder of that region's population. The reorientation of UNHCR's support to the two non-government-controlled areas of return had led to a shortage of funds for its Georgia programme. UNHCR Georgia had therefore had to request a loan from the High Commissioner's Fund for Voluntary Repatriation.

6. A recent positive trend was that ethnic Ossetian refugees had begun to return to Georgia from the Russian Federation. The Government of Georgia was encouraging that process, as shown by the recent statement by the President of Georgia welcoming the return of all refugees and internally displaced persons.

7. Major transnational transportation, oil and gas projects were under way in Georgia, holding out the promise of new opportunities for its population. However, in order for those projects to bear fruit, it was necessary to ensure the secure, organized and sustainable return of hundreds of thousands of people to their homes and Georgia looked to UNHCR for assistance in solving the problems it faced.

8. Mr. MIGUIL (Observer for Djibouti) said that, despite durable solutions to some refugee situations, the refugee problem had never been so acute as in recent years, causing deep concern to countries whose very existence was threatened by massive refugee inflows. However, countries had to assume their humanitarian responsibilities and the international community had to provide all possible support to host countries, some of which accommodated millions of refugees despite their own trying circumstances.

9. Since its independence, the Republic of Djibouti had hosted successive waves of refugees fleeing the crises that had affected the Horn of Africa for some 20 years. Thanks to the UNHCR's support, a large-scale repatriation operation had made it possible voluntarily to repatriate some 36,500 Ethiopian refugees between September 1994 and April 1996. Since then, the problem of Ethiopian refugees in Djibouti had virtually been solved.

10. Djibouti still hosted some 21,900 Somali refugees in camps for which UNHCR was responsible, in addition to 55,000 persons who lived outside the camps and were putting great pressure on Djibouti's limited social infrastructure. The solution to the problem lay as much in development programmes in the refugees' regions of origin as in repatriation.

11. The Government of Djibouti was deeply concerned about its Somali refugee population. The recent improvements in the situation in north-west Somalia made it essential to revitalize the process of the repatriation of Somali refugees from that region, most of whom were living in Djibouti-Ville, where their presence was becoming increasingly difficult for the local population to bear. His delegation therefore officially requested UNHCR to plan the transfer of between 15,000 and 20,000 Somali refugees to camps which had the capacity and infrastructure to accommodate them. There would also have to be a voluntary repatriation programme for those Somali refugees, as there had been in Ethiopia.

12. Djibouti itself had not been spared by civil war, although the wisdom of its population had led to the signing of a peace agreement in December 1994. The former enemies were united at the current meeting of the Executive Committee and were working together to reconstruct and rehabilitate their country. He was pleased to inform the Executive Committee that more than 15,000 persons had spontaneously returned to their homes in Djibouti and that the Ethiopian delegation had given assurances, in the presence of representatives of UNHCR, that an operation would be carried out to register and identify the Djibouti refugees still in Ethiopia before the end of November 1997, prior to a voluntary repatriation operation.

13. The Government of Djibouti urged UNHCR to implement a multisectoral assistance and resettlement programme for the more than 15,000 Djibouti refugees who had spontaneously returned and for its 50,000 internally

displaced persons. The implementation of that programme in 1998 would provide support for his Government in the efforts it was making to rebuild trust and understanding among Djibouti's population. He therefore called on UNHCR to commit itself to conducting a rehabilitation programme for the war-ravaged regions in order to allow the returnees to begin new lives. Reconstruction and rehabilitation would require support both from the international community and from regional institutions such as the Intergovernmental Authority on Development (IGAD), which could help to prevent future refugee crises.

14. Mr. OUEDRAOGO (Observer for Burkina Faso) said that, in addition to the other problems it faced, Africa had to deal with its refugee population of some 6 million persons, whose situation was all the more worrying as they were mainly from the most vulnerable population sectors. Their legitimate desire was to return home as soon as possible and to recover their dignity.

15. The choice of "repatriation challenges" as the annual theme for the Executive Committee's current session could therefore not be more timely. Repatriation, which was the best of all the durable solutions to refugee problems, meant that minimum conditions had to be met in countries of origin and with regard to the role of the international community. In countries of origin, the primary challenge was to restore peace and security in order to guarantee stability. Praiseworthy efforts had been made in Africa and further initiatives were under way to identify durable solutions to the various crises responsible for forced population movements. With the satisfactory conclusion of the electoral process in Liberia, a new page in that country's history had been turned and there was new hope for its refugees. Prospects were better, too, for Mozambican refugees.

16. Unfortunately, there were still areas of tension, as in Angola, in the Great Lakes region and now in Sierra Leone and the Congo, that continued to generate refugee flows.

17. Repatriation had to go hand in hand with reintegration and measures to heal moral and psychological wounds, which were always the hardest to treat. Efforts along those lines would be pointless without resolute support from the international community as a whole. While action in the fields of development assistance, preventive diplomacy, mediation, peace-building and reconstruction was encouraging, it had to be intensified. Particular efforts should be made to strengthen the Organization of African Unity's conflict prevention machinery, which had proved to be very effective. The initiative taken by the members of the Economic Community of West African States (ECOWAS) by deploying the Cease-fire Monitoring Group (ECOMOG) in Liberia had also helped to restore peace in that country, thus paving the way for refugees to return home to take part in national reconstruction.

18. One of the keys to the success of such action was the strengthening of UNHCR's coordinating role and its capacity for intervention in the field. In order to enable the Office to discharge its mandate effectively, there had to be more active solidarity from the international community as a whole.

19. Mr. GYAWALI (Observer for Nepal) said that the annual theme of repatriation challenges was particularly timely as experience over the previous year had brought those very challenges into sharp focus. The

document on the theme (A/AC.96/887) summed up the experience gained and signposted the steps to be taken to meet the challenge of safe and dignified repatriation faced not only by UNHCR, but also by receiving countries, countries of origin and by the international community as a whole.

20. The developing countries bore a disproportionate share of the burden of mass exoduses and had paid a heavy price for them in terms of personnel, environmental degradation and their social and economic impact on the local population. Despite those difficulties, they had not shirked their responsibilities.

21. He was confident that his colleagues from other developing countries shared the conviction that voluntary repatriation was the only viable durable solution and that it could be brought about only by respect for human rights and efforts to address the root causes of displacement. The protracted nature of negotiations with countries of origin and the remoteness of solutions, particularly in obscure refugee situations, left host countries with an even more onerous burden. Refugees were an international problem and responsibility and the concept of burden sharing could not be dismissed simply because the light was not visible at the end of the tunnel. He therefore appealed to donor countries to give serious consideration to the concerns expressed by the High Commissioner about the funding of both the less publicized programmes and the General Programmes.

22. Nepal believed that UNHCR had an important role to play in the reintegration of returnees and welcomed its efforts at coordination with other organizations. It also strongly supported the interlinking of human rights and refugee issues, as referred to in the statements by the High Commissioner for Refugees and the High Commissioner for Human Rights at the Committee's current session.

23. Nepal had been working closely with UNHCR and other countries in the region to develop cooperative measures to deal with problems of refugees and displaced persons. It had participated in the Canberra conference and Bangkok experts meeting and supported UNHCR's commitment to develop an Asia-Pacific approach to refugees and related issues.

24. With regard to the specific problem of Bhutanese refugees in Nepal, he informed the Executive Committee that Nepal was holding a dialogue with Bhutan on an early and durable solution. With trust and goodwill, it should be possible to reach an understanding on a mechanism for a durable solution to the problem in the not-too-distant future. Nepal welcomed suggestions and assistance from UNHCR and from friendly countries to make the bilateral search for solutions successful and assured the Executive Committee that it wanted to see the earliest possible end to the problem of Bhutanese refugees. He took the opportunity to express his Government's deep appreciation to UNHCR, the World Food Programme, international non-governmental organizations and the donor countries which had continued to help it bear the burden of refugees.

25. Mr. MONTENEGRO MALLONA (Nicaragua) said that the international community had established the Office of the United Nations High Commissioner for Refugees in 1951 to provide protection and assistance for the more than 1 million refugees caused by the Second World War. Despite the time that

had passed and the monumental changes that had occurred, the situation of refugees and displaced persons was still one of the most tragic consequences of armed conflicts and violence, as nearly every Nicaraguan could testify. Refugees were the victims of countless difficulties and humanitarian abuses, including discrimination, violence, hunger, the break-up of families and violations of human rights. They were also the main victims of anti-personnel landmines and his delegation took the opportunity to appeal to the international community to sign the international agreement to ban anti-personnel landmines in Ottawa in December 1997.

26. The international community had a duty to join efforts to ensure the protection and dignity of refugees, who were the innocent victims of armed conflict and violence. His delegation supported the request made by Colombia to the High Commissioner for support in seeking viable solutions to the problem of its internally displaced persons.

27. The annual theme for the current session of the Executive Committee - repatriation challenges - was clearly set out in the document prepared by UNHCR (A/AC.96/887) and his delegation shared the view that voluntary repatriation was the preferred solution to refugee problems, provided that refugees were able to reintegrate fully and safely in their countries of origin. As the High Commissioner had rightly pointed out, there was a physical as well as a material aspect to security. If peace was to be consolidated after an armed conflict, sustainable reintegration was a key factor and required efforts to promote reconstruction, strengthen political and legal structures and bring about reconciliation between war-torn populations, with the support of the international community.

28. Central America had felt and continued to feel the effects of more than three decades of violence. The signing of the peace agreements in Guatemala in December 1996 had been a milestone on the road to peace in that region. Central America was setting out on the long and arduous road towards the consolidation of democracy and the achievement of genuinely sustainable development encompassing the political, economic, social, cultural and environmental facets of Central American societies. Some objectives had already been achieved. For the first time in history, all of Central America's Governments had been freely elected and efforts to educate Central American societies in human rights were under way. Those changes had persuaded many Nicaraguans to return home.

29. However, most of the Central American countries still faced major challenges that were beyond the capacity of their recovering economies. Early repatriation was not always the best solution to the problems of refugees and displaced persons, as it could create instability that might hamper the achievement of goals. Efforts had to continue to be made to establish suitable conditions for the reintegration of displaced persons into national life.

30. He commended Mexico on its major contribution to seeking and achieving solutions to the problems of the many displaced persons from Guatemala, and thanked all the countries which had given hospitality and protection to refugees.

31. He particularly thanked the staff of UNHCR and other international agencies working in the field and risking their own lives every day. He called on all countries that had not yet ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol to do so as quickly as possible. At a time of so much international movement of persons and goods and such tragic events as those in the Great Lakes region in Africa, in Afghanistan and in Bosnia and Herzegovina, it was more necessary than ever for the international community to take up the challenge by joining its efforts to those of UNHCR in order to protect the rights and dignity of refugees and displaced persons everywhere.

32. Mr. KIM (Observer for the Republic of Korea) said that the 1990s had witnessed not only major increases in refugee numbers, but also a disturbing rise in threats of various kinds to both refugees and aid workers, including UNHCR staff. One of the causes of those trends was confusion about the complex nature of refugee groups, which were too often composed of unsafe combinations of civilians with legitimate claims to assistance, on the one hand, and abusive quasi-military groups, on the other. New types of refugee situations had also developed as a result of mass displacements of populations for economic reasons. A second cause was the growing tendency on the part of Governments and liberation movements to manipulate refugee populations for political motives. Military recruitment among refugee populations and forcible returns of refugees to unsafe areas were examples of such abusive conduct. A third cause was an increasing nervousness on the part of countries of origin and of asylum alike, the former fearing the role played by political opponents among the refugees and the latter viewing refugee camps as a potential source of instability and financial and political strain.

33. Voluntary repatriation was undoubtedly the best method of solving the problems of refugees and Governments alike. Any return of refugees to their country of origin had, of course, to be conditional on their guaranteed safety. Another possible response to refugee crises was organized safe repatriation of willing groups, to be handled by UNHCR in collaboration with the Governments concerned, with a view to reintegrating refugees in their countries of origin and, where possible, their home communities.

34. As the High Commissioner had indicated in her opening statement, however, if repatriation was to succeed it was necessary to prepare effective measures to meet the long-term development needs of the regions concerned. The Quick Impact Programme (QIP) in Nicaragua was a good model of the positive potential for assistance programmes.

35. Success in addressing the refugee situation in general and repatriation challenges in particular was predicated on international cooperation guided by an integrated overall approach including political, military and humanitarian aspects. To that end, the Security Council and the High Commissioner for Human Rights, among others, should focus their attention on refugee problems. The relevant United Nations bodies could contribute to the elimination of the root causes of refugee flows by monitoring the human rights situation in problem countries. UNHCR should cooperate with UNDP, UNICEF, WFP, international financing agencies such as IBRD and donor countries in working to develop areas of return and create stable environments conducive to the permanent resettlement of refugees. Since a drop of prevention was worth a

sea of remedies, efforts should be directed towards the development of effective measures to identify and deal with crisis situations, human rights abuses and political strains in their early stages.

36. With regard to his country's role in shaping the international approach to refugee assistance, he recalled that, on 18 June 1997, the Security Council had adopted a Presidential Statement initiated by the Republic of Korea on protection for humanitarian assistance to refugees and others in conflict situations. The Statement had represented one of the rare occasions on which the Security Council had addressed the refugee issue.

37. During the past three years, his country had greatly increased its contributions to the UNHCR General and Special Programmes, its contribution to the General Programme alone rising fifteen-fold from US$ 100,000 in 1994 to US$ 1,500,000 in 1997. The ever-increasing amount of his country's contributions was a reflection of its commitment to the cause of refugees and its sense of shared responsibility for humanitarian endeavours in general.

38. Mr. VERGNE SABOIA (Brazil) said that, encouraging as they were, the positive developments reported by the High Commissioner could not conceal the magnitude of the challenges still remaining or the seriousness of the situation in certain areas due to lack of respect for the principles of humanitarian law. In the Great Lakes region of Central Africa, UNHCR had been forced to suspend operations for Rwandan refugees in the Democratic Republic of the Congo as the most basic conditions for protecting them had ceased to exist. Blatant violations of basic rules of humanitarian law and human rights standards had unfortunately become frequent in situations of internal conflict, especially those associated with ethnic tensions. The recurrence and increasing gravity of that phenomenon in Africa, where it often served to compound what were already difficult economic and social conditions, gave grounds for deep concern. The use of refugee camps for military or political purposes was one of the most serious manifestations of that trend.

39. The breakdown in solidarity and respect for the human dignity of refugees did not occur exclusively in situations of extreme poverty and political upheaval. Flagrant acts of violation, aggression and discrimination against refugees had taken place in regions other than Africa, including some developed countries where they were motivated by xenophobia and racism and promoted by extremist groups or political parties. In that connection, it should not be forgotten that refugee protection formed an indispensable part of the global human rights regime. Any weakening of the institution of asylum undermined the world's system of human rights protection.

40. The ability of UNHCR to discharge its mandate depended on the willingness of States to fulfil their obligations with regard to asylum and non-refoulement. As the Director of International Protection had emphasized in introducing the Note on International Protection (A/AC.96/882), political support and international respect for the rule of law were crucial to ensuring refugee protection. The agreed minimum standards had to receive proper international support, particularly where the security of refugees was in jeopardy or where refugee camps had to be demilitarized. Large-scale refugee influxes caused by internal conflict were bringing host countries face to face with economic, environmental and security problems which tended to undermine

their willingness and even capacity to provide asylum. The international community's political and economic responses should take into account both the humanitarian and political features and the underlying social and economic causes of crisis situations. Peace-building, reconstruction and development were parts of a continuum in the search for solutions as well as in the prevention of refugee flows.

41. Another major threat to the institution of asylum was related to the increase in mixed movements of genuine asylum-seekers and people fleeing economic hardship, which had given rise to restrictive measures that could also affect persons genuinely in need of protection. His delegation supported the screening mechanisms set up by UNHCR with a view to avoiding abuse and overload in receiving countries, while, at the same time, upholding the principles of international protection and preserving human dignity.

42. With regard to the annual theme of repatriation challenges, his delegation took the view that UNHCR should continue to give high priority to identifying durable solutions to the global refugee problem without detriment to efforts to strengthen the institution of asylum. Difficult dilemmas arose from situations in which repatriation took place in massive numbers under what had been called "less than ideal" conditions - an expression which really meant that the fundamental principle of voluntary repatriation could not be wholly guaranteed and that insecurity still prevailed in the country of return. While recognizing that, in certain situations, reality had to be faced pragmatically with a view to minimizing damage, his delegation believed that the fundamental aim of UNHCR's participation in any operation should remain that of ensuring the protection and physical safety of refugees both in the asylum country and in the country of return.

43. The search for lasting solutions to complex emergencies called for comprehensive approaches, including prevention, protection and solutions that could be supplemented, as appropriate, by international and/or regional initiatives aimed at settling conflicts and promoting development. In that connection, his delegation was particularly gratified to note the results of collaboration between UNHCR and Governments of the Latin American region, notable examples of which were the 1984 Cartagena Declaration, the dual approach adopted by the Governments of Guatemala and Mexico, and the CIREFCA process.

44. In conclusion, he announced that, pursuant to its obligations under the 1951 Convention and the 1967 Protocol, Brazil had recently enacted new legislation defining mechanisms for the implementation of those international instruments. The new legislation, which was in keeping with the most up-to-date and comprehensive national statutes, had been prepared in close cooperation with UNHCR.

45. Mr. SOMOL (Observer for the Czech Republic) said that the national programme of voluntary repatriation of refugees from Bosnia and Herzegovina who had enjoyed temporary asylum in the territory of his country had now been completed. Over a period of nearly six years, more than 5,000 persons had found asylum in facilities offered to refugees by the Czech Republic and several thousand more had been accommodated on a private basis. His Government had worked together with UNHCR from the outset, as well as during

the period of voluntary repatriation. Under the programme, some 500 citizens of Bosnia and Herzegovina had returned to their country in the past two years, many of them to homes whose reconstruction had been funded by the Czech Government and carried out by non-governmental organizations. The returnees had also received a financial contribution and free air tickets. Several hospitals and schools had been rebuilt at the same time as part of efforts to improve the country's infrastructure.

46. Handicapped persons and members of their families who could not return to their country had been granted permanent residence in the Czech Republic for humanitarian reasons.

47. The role played by UNHCR in the repatriation programme was a good example of coordination between the Government and UNHCR in coping with specific problems. He took the opportunity to thank UNHCR and, in particular, its liaison office in Prague.

48. The Czech Republic's asylum policy focused not only on the repatriation of refugees from Bosnia and Herzegovina, but also on the voluntary repatriation of persons whose application for asylum had been refused and of foreigners who had decided to withdraw their applications for asylum. In such cases, the returnees' transport costs were covered by the Czech Republic.

49. His country also counted on the support and assistance of UNHCR in connection with the preparation of new asylum and residence laws in conformity with standards applicable in the countries of the European Union.

50. Mr. LAGOS PIZZATI (Observer for El Salvador) said that the theme of repatriation challenges provided an excellent opportunity for his country to share its experience with the Executive Committee. As everyone knew, El Salvador had undergone a 12-year political and ideological conflict which had resulted in large-scale forced human displacements both in and outside the country. It could therefore state from experience that repatriation challenges did not end with return and the elimination of physical and political insecurity, but required States to be able fully to absorb returnees and provide them with the employment and assistance they needed to live decent lives. As the High Commissioner had said, repatriation was not just a logistical operation. States must be aided by the international community and intergovernmental and non-governmental organizations in shouldering the socio-economic burdens of repatriation. It went without saying that repatriation must always be voluntary.

51. Repatriations in El Salvador had been voluntary and had begun during wartime. Thanks to UNHCR support, 42,000 people had been repatriated between 1984 and 1992. With the signing of the Peace Agreement in 1992, the Government had had to devise a new, more comprehensive migration and population policy that was also consistent with the reconciliation and reconstruction process in the country. Projects and activities had initially been assistance-oriented and had later aimed at reconciliation and the reintegration of the returnees as productive members of society.

52. Those activities had been conducted by government agencies together with international organizations and NGOs, with the active participation of UNHCR

and the families and communities involved. In particular, the Directorate of National Reconstruction and the Social Investment Fund for Local Development had conducted country-wide programmes for meeting the people's most urgent needs. In all, 17 government agencies, 88 non-governmental organizations, 5 international organizations and 115 local governments had participated in those support activities, together with the individuals and communities affected. Cooperation among the various national sectors and coordinated work with the international community had been one of the main factors in meeting the challenge of repatriation in El Salvador. Nevertheless, the Government was well aware that much remained to be done and it pledged to continue to provide its most needy population groups with the tools for achieving sustainable development.

53. Despite the achievement of political and macroeconomic stability in El Salvador, migratory movements had not ceased. The country's socio-economic situation was being adversely affected by an influx of non-recognized refugees who had been involuntarily repatriated without the required institutional coordination, who were not covered by the programmes in place and who were therefore a strain on its reconciliation and reconstruction process. By conservative estimates, there were approximately 1.5 million Salvadorians abroad, many of whom had not yet defined their legal status. That was a matter of deep concern, as further spontaneous repatriations might well increase instability in the country by straining its already taxed absorption capacity. Such fears on the part of countries like El Salvador, which were rebuilding their societies after conflicts, should not be confused with abuses of the asylum system.

54. Repatriation, whether voluntary or not, must lead to permanent solutions. He suggested that the problem he had raised should be tackled through joint action with the international community, to avoid further tension and instability that might endanger peace-building in El Salvador. Therein lay the key to resolving the greatest challenge, that of achieving a balance between man, nature and sustainable development.

55. He welcomed the remarks of the High Commissioner for Human Rights on the relationship between human rights and refugees and commended the efforts of Mexico and Guatemala, together with UNHCR, in repatriating the Guatemalan refugees and thereby helping to build a firm and lasting peace in Central America.

56. Mr. ROUSTAMOV (Observer for Azerbaijan) said that, as a result of aggression on the part of the neighbouring country of Armenia, over 1 million Azerbaijanis had been turned into refugees and forcibly displaced persons. Also as a result of Armenian aggression, 20 per cent of his country's territory, including 14 towns and over 1,000 villages and hamlets, had been occupied; 20,000 persons had perished, 50,000 had been disabled and over 7,000 had been taken hostage or were missing. The socio-economic structure of the occupied territories had been completely destabilized, everything there having been burnt down or looted. According to preliminary data, the damage to the economy was estimated at US$ 40 billion.

57. Some 70,000 citizens forced to resettle from the occupied territories were being housed in makeshift dwellings, railway wagons or under canvas.

Those victims of Armenian aggression had been living under extremely difficult conditions for a number of years, not more than 40 per cent having found employment.

58. The welfare of the refugees and enforced resettlers was constantly at the centre of attention of the country's leadership. When raising the issue of a peaceful settlement of the Karabakh conflict at international conferences or in meetings with the leaders of other countries, the President of Azerbaijan never failed to draw attention to the difficult situation of refugees and enforced resettlers in Azerbaijan. On behalf of the people and Government of his country, he took the opportunity to thank the 50 or more international organizations which were providing humanitarian assistance to his country at the present difficult moment in its history.

59. Azerbaijanis were an extremely home-loving nation. Hardly any of the people obliged to leave their permanent place of residence had left the country. All were waiting with impatience and hope to return to their own homes. After the liberation of the occupied territories, the Government of Azerbaijan would be faced with problems of exceptional complexity which would be impossible to solve without the support and cooperation of the international community and international humanitarian organizations. The work that would have to be done included mine clearance, rehabilitation of housing, public and industrial buildings, utilities, arable land, streets, roads and railways, restoration of communication lines, hydroelectric power installations, etc. A great deal of time and colossal amounts of money would be required. Without external support and financial aid, Azerbaijan would not be able to cope with the task for at least 5 or 10 years. That was the conclusion that had to be drawn from the recent experience of repatriating some 2,000 persons to the village of Goradiz with the financial support of UNHCR, the European Union and the World Bank, to which sincere thanks were due. Reconstruction work was currently taking place in 22 inhabited localities of the same district and families of resettlers were joyfully returning to their homes.

60. For those reasons, he appealed to donor countries and international organizations to increase the assistance provided to Azerbaijan for purposes of rehabilitation.

61. Questions pertaining to the repatriation of enforced resettlers had been discussed on a number of occasions in the Cabinet of Ministers of Azerbaijan with representatives of UNHCR, IOM and the relevant ministries and non-governmental organizations. A national programme on matters relating to refugees and enforced migration had been drawn up in Azerbaijan under the Programme of Action adopted at the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, held in Geneva in May 1996. A commission established by the Prime Minister to draw up a unified national programme on migration was working in close cooperation with IOM and it was hoped that IOM would shortly take a favourable decision on the question of financing the programme with the help of donor countries. A State commission had been established to deal with questions of the restoration and reconstruction of liberated territories and Parliament had begun

considering draft acts on citizenship, migration, emigration and other matters, all of which were in line with standards of international law. Work was also proceeding, with the active assistance of members of the UNHCR mission to Azerbaijan, on amending and supplementing the Act on the Status of Refugees and Enforced Resettlers in the Republic of Azerbaijan.

62. Expressing his people's confidence that the prolonged conflict with Armenia would soon be settled by peaceful means, he recalled the position of his Government on the Karabakh problem, as confirmed at the Lisbon Summit of Heads of State and Government of member countries of OSCE held in December 1996.

63. In conclusion, he again appealed to the international community, international organizations and donor countries to give his country all possible help and financial and moral support with a view to the achievement of a peaceful settlement of the Karabakh problem and the preparation and implementation of the process of repatriation.

64. Mr. ILLANES FERNANDEZ (Observer for Chile) said that his country was participating in the discussion on repatriation challenges from the perspective of a country which had at one time been responsible for a large-scale refugee flow and received generous aid from the international community, UNHCR in particular. Together with IOM and other participants, UNHCR had also played a positive role in helping to re-establish democracy in Chile and in implementing the programme for the return of Chilean refugees, for which the Government and beneficiaries of that programme would always be grateful.

65. He agreed with the High Commissioner that repatriation was not just a logistical operation, but a complex one that must include assistance, rehabilitation and reintegration into society.

66. Refugee-producing crises had changed over the years from political and ideological conflicts settled by force, as in Latin America and his own country in the 1970s, to conflicts involving ethnic and racial hatred and unwonted violence. In all those crises, UNHCR had shown an admirable ability to identify the specific features of each situation, without discrimination, as a basis for designing appropriate humanitarian aid responses.

67. Repatriation processes must consider a range of problems involved in large-scale displacements. He reiterated the importance of preserving the three pillars of international protection: the right of asylum, non-refoulement and the voluntary nature of repatriation.

68. The available documentation and the High Commissioner's statement raised some important issues. Ending refugee-producing situations was a prerequisite for a comprehensive solution to the problem, for two reasons. First, it was necessary to create appropriate conditions of security for returnees through a genuine process of reconciliation aimed at deactivating feelings of hatred and violence. Secondly, because of the adverse consequences of prolonged periods in exile for refugees' subsequent reintegration in their countries of origin, efforts should focus on prompt and effective crisis resolution. He added that crises which were of short duration enabled returnees better to adapt to the

return process by enabling them to maintain a network of employment, social, professional and family contacts. Prolonged periods in exile, however, destroyed that network and led to feelings of frustration, exclusion and abandonment.

69. Recent events, especially those in the Great Lakes region of Africa, had pointed up the extent of the damage created by mass displacements in host countries, which were often undergoing similar situations of conflict or poverty. They had also demonstrated the importance of the development component and the need for the international community to provide such countries with adequate assistance. Effective prevention and early-warning mechanisms required development investment, which was preferable to and more profitable than burdensome refugee camps.

70. In view of the foregoing, it was more timely than ever to consider the possibility of establishing a world programme of development assistance in response to humanitarian crises, with participation by UNHCR, the Office of the High Commissioner for Human Rights, the humanitarian assistance agencies, the United Nations Development Programme, the World Health Organization, the Economic and Social Council and the Security Council. Such a programme would pave the way for a comprehensive and integrated approach to the problem and help devise appropriate means of solving it.

71. Prince GUDUZA (Observer for Swaziland) said that, although resolving any humanitarian emergency was a formidable task, the problem was compounded when repeated emergencies and atrocities occurred in a short period of time, as in Sierra Leone, Congo Brazzaville and the former Zaire. Those wanton destructions continued to inflict untold physical and psychological suffering on both victims and care-givers. He noted with concern the heinous practice of using refugees and humanitarian agency staff as human shields and moving targets and said he was confident that the Executive Committee would do its utmost to end it.

72. Turning to the annual theme, he said that the only organized repatriation carried out from Swaziland had been part of the Mozambican repatriation exercise. He again commended all the parties which had organized that exercise, considered to be one of the most successful repatriation operations so far undertaken in Africa. That having been said, the challenges remained daunting.

73. Although voluntary repatriation remained the most desirable durable solution, a viable and holistic strategy was far from achieved. The reasons were many. Despite UNHCR's efforts to secure voluntary repatriation, forced repatriations continued to occur. In many cases, the victims experienced a double tragedy, having been forced to leave their countries of origin and then forced to return. It was also worth noting that any repatriation exercise was futile if limited assistance was made available to returnee programmes. To a large extent, the success of the Mozambican repatriation had been the result of the conscious efforts made to ensure that returnee programmes also received attention. Another concern was the disregard for individuals who opted to return home spontaneously without the assistance of the international community. If such individuals were marginalized, inter-group atrocities and jealousy would be perpetuated.

74. Another important factor overlooked by in-country refugee programmes was the need to promote a culture of peace and tolerance while refugees were in exile. It was important to provide the affected individuals with psychological support, both in countries of asylum and on return to their countries of origin, or further bouts of hostilities between returnees and perpetrators would jeopardize the entire repatriation exercise. In Swaziland, the local UNHCR Office and PARinAC members had adopted the promotion of a culture of peace, tolerance and reconciliation and stress and trauma healing as one of the main objectives of the country programme. Another problematic area was the absence of accurate refugee statistics. That problem became even more complicated when refugees decided spontaneously to settle within the host society in non-refugee zones, as hundreds of thousands of Mozambican refugees had done in Swaziland.

75. With regard to prevention, the international community must, as a matter of priority, show a real commitment to preventive diplomacy, the strengthening of mediation efforts and the promotion of the peaceful settlement of disputes. He commended the efforts by the Organization of African Unity, the United Nations and other regional bodies to strengthen the global watch facility, designed to detect threats to international peace. However, global watch and early-warning units could work effectively only if there was a corresponding mechanism in place for preventive action. Although the ultimate solutions to social and political problems could be devised only by the people of a particular country, all countries had an interest in devising long-term strategies aimed at sustaining peace efforts. Everyone should be committed to continuous investment in that area in order to reap the benefits later.

76. The world had become a global village, where the downfall of one country affected others tremendously. In addition to sending special envoys to troubled areas when problems had already taken root, the United Nations might consider installing special envoys in all regions to assist Governments and various factions to settle their disagreements before they degenerated into real disputes. The benefits of such proactive investment would be harvested by all.

77. Mr. MWAMBULUKUTU (United Republic of Tanzania) said that Tanzania had a long tradition as a country of asylum. Some 540,000 Rwandan refugees had left Tanzania to return home at the end of 1996, but another 300,000 remained. While Tanzania would continue to accept genuine refugees and to endeavour to fulfil its international obligations in that regard, the burden of asylum could endanger national security, exacerbate tensions between States and cause extensive damage to the environment and infrastructures. Only after the departure of the Rwandans from his country had the full impact of the damage caused by their presence become clear. One lesson learned from that experience was that assistance must be provided, not only to refugees, but also to countries of asylum both during and after their departure, since resentful local populations might become hostile to refugees and oppose local integration.

78. In the Kagera region, security had deteriorated alarmingly as a result of armed criminal elements from among the refugees who had refused to return and had gone into hiding. In Kigoma, a new security concern had arisen

following repeated allegations by Burundi that the camps in that region were being used for military activities against the Government of President Pierre Buyoya. In response to those allegations, the Tanzanian Government and UNHCR had sent a joint mission to Kigoma in May to assess the situation there. That mission had discovered that some of the Burundian refugee camps were under the influence of competing political groups which provoked violence, but it had found no evidence of military activities in the camps. The mission had made a series of recommendations aimed at strengthening security arrangements in and around the camps and at ensuring their civilian and humanitarian character. Tanzania would not permit a recurrence of the situation which had developed in Eastern Kivu between 1994 and 1996 and supported the High Commissioner's appeal to the international community to assist it and UNHCR in implementing the joint mission's recommendations.

79. Tanzania was also faced with a growing problem caused by illegal immigrants from neighbouring and other countries, some of them former refugees who had failed to take advantage of Tanzania's offer for citizenship and residence permits during the 1970s and whose presence had compounded the security and crime problems in regions which also hosted refugees. Tanzania had agreed to establish a screening mechanism to ensure that genuine refugees were given protection and assistance. The implementation of that new policy still left much to be desired in remote parts of the country and media reports had sometimes distorted or misunderstood the complexity of the challenges faced by Tanzania in its efforts to meet its humanitarian obligations while preserving its national interests. The Government would continue to work with UNHCR in cases that affected refugees and asylum-seekers.

80. While the repatriation of refugees was the ideal solution, it was sometimes impossible as a result of inadequate preparation, lack of resources or conditions in the country of origin. In other cases, conflicts over issues of land and property ownership had developed between returnees and those who had never left the country of origin. Countries of origin must receive post-repatriation assistance in order to guarantee the "soft landing" of returnees and to prevent future conflicts and new refugee outflows. Furthermore, Governments had become reluctant to grant asylum to refugees where protection was perceived as a way of obtaining permanent residence in countries of asylum.

81. The Rwandan refugee crisis had been one of the most frustrating experiences in Tanzania's history as a country of asylum because of the presence of organized elements among the refugees which had successfully frustrated repatriation through intimidation and manipulation. Although Tanzanian law enforcement officials had neutralized and contained those armed elements at an early stage, power structures in the camps had continued to discourage repatriation and to move the refugee population away from the camps and into the interior of the country at a time when Tanzania and UNHCR had been working to promote voluntary repatriation.

82. As a result of a tripartite agreement between Tanzania, the Democratic Republic of the Congo and UNHCR, nearly 30,000 of the 74,000 Congolese refugees in Tanzania had registered for voluntary repatriation to Southern Kivu, and 5,000 of them had already returned. In view of the

ongoing conflict in Burundi and the stalemate in the peace process there, organized repatriation should not be encouraged. However, the Kigoma authorities were working with UNHCR to facilitate spontaneous returns to relatively safe areas, and he hoped that those returnees would be protected when they arrived in Burundi.

83. He reaffirmed Tanzania's commitment to humanitarian principles and the refugee conventions to which it was a party and its support for the work of UNHCR and he called for a regional approach to the refugee problem in the Great Lakes region and for concerted action and support from the members of the Executive Committee and the international community as a whole.

84. Mr. DEMBELE (Mali) said that, during 1996, UNHCR had continued to assist his Government in dealing with the refugee crisis in Mali. To date, a total of 110,000 refugees had been repatriated, 50,000 of them during the past year. That number would have been far greater if the High Commissioner's 1996 call for funds had met with greater success. He thanked UNHCR, the World Food Programme (WFP) and the Governments of Algeria, Burkina Faso, Mauritania and Niger for their assistance.

85. However, much remained to be done. Nearly 300,000 people, half of them repatriated refugees and the other half internally displaced persons or people living in extreme poverty as a result of the conflict, must be reintegrated into Malian society. The success of that process was dependent on the continued presence of UNHCR and on additional funding from the international community. During the past three years, peace and security had been restored, government control over the north of the country had been re-established, the reconciliation of the northern communities had been achieved, anti-repatriation propaganda had been countered and nearly 300 resettlement sites chosen by the refugees throughout the Saharo-Sahelian region of over 1,240,000 km^2 had been developed. Those achievements might be compromised unless the target date for termination of the UNHCR rehabilitation programme, 31 December 1998, was made subject to negotiation according to the needs of the situation.

86. The Malian approach to the conflict in the north of the country had been discussed at the European Union/South African Development Community Ministerial Conference, held at Windhoek in October 1996, and could serve as an example for a possible solution to other conflicts. He called on the international community to provide UNHCR with the necessary human, material and financial resources so that it could bring its humanitarian efforts in Mali to a successful conclusion.

87. Mr. AMAT FORES (Observer for Cuba) said that his Government welcomed the annual theme, "repatriation challenges", at a time when the cold war had ended and there had been a great increase in the number of refugees worldwide as a result of natural disasters, wars and conflicts.

88. Refugees must be repatriated only on a voluntary basis and UNHCR should try to find ways of encouraging voluntary repatriation as a lasting solution in the majority of cases. At the same time, States often sought bilateral solutions to conflicts and UNHCR should refrain from expressing an opinion on bilateral decisions or agreements concerning refugees or migration.

Paragraphs 24 to 28 of document A/AC.96/887 on reconciliation included statements which went beyond the mandate of UNHCR and linked its functions with prerogatives that were those of States or intergovernmental bodies.

89. The rights of refugees must not be abused in ways which might threaten the legitimacy of the status they enjoyed. On the other hand, it was incumbent on refugees to behave in a way appropriate to their status and to interact with host communities in such a way as to achieve a balance between their rights and duties.

90. Generally speaking, Cuba did not receive large numbers of refugees. However, a certain number of Haitian refugees had fled to Cuba, where they had been housed in the Cuban Red Cross camp in Punta de Maisí. During 1996, 10 groups of Haitian refugees had arrived in Cuba, while 912 Haitians had been repatriated in four operations at a cost of US$ 61,000 which had been defrayed by the International Organization for Migration (IOM) since, owing to the change in the political situation of Haiti, UNHCR no longer considered the people in question to be refugees. No new refugees had been admitted to the camp in 1997.

91. In conclusion, he reiterated his Government's intention to provide continued support for the work of UNHCR despite the blockade from which Cuba had suffered for the past 40 years.

92. Mr. NDJADDER-BEDAYA (Central African Republic) said that the return of hundreds of thousands of Rwandans from Tanzania and the former Zaire in 1996 had been accompanied by the exodus of a massive number of Zairian soldiers and Rwandan refugees who had fled the advancing revolutionary forces and were currently in the Republic of the Congo and the Central African Republic.

93. His country was hosting tens of thousands of refugees, not only from Rwanda and the former Zaire, but also from Chad, Liberia, the Republic of the Congo and the Sudan. As a result of various programmes, most of the Sudanese refugees had become somewhat self-sufficient and the majority of the Chadian refugees had been repatriated. Some 200 refugees who had fled the Republic of the Congo during the recent events there had voluntarily returned home, as had nearly 300 refugees from the Democratic Republic of the Congo who had chosen to return despite their difficult situation as members of the guard of former President Mobutu and who, as a result of negotiations between the Government of the Central African Republic and that of the Democratic Republic of the Congo, had been incorporated into the latter's armed forces.

94. With regard to the Rwandan refugees, his Government shared the concern expressed by the international community and supported the implementation of the international conventions governing the situation of refugees. As early as 1993, the Central African Republic had established the National Commission on Refugees. It had a long tradition of unconditional acceptance of refugees, not only from Africa, but also from Europe and elsewhere. His Government would never allow its territory to be used as a base for subversive activity against its allies and neighbours. A special session of the Commission on Refugees' Sub-Commission on Eligibility, to which UNHCR had been admitted as an observer, had been convened in order to determine the status of the Rwandan refugees. Because of the political problems in the subregion with which that

group was associated, it had been decided that it would be best for them to be transferred to a third State within a reasonable time period. His Government's decision on that matter was non-negotiable.

95. The international community had been a witness to his country's fulfilment of its responsibilities and it was time for that community to assume its own. He ensured the High Commissioner that the flagrant violations of humanitarian law which had occurred elsewhere in the subregion would not be repeated in his own country and called on her to assist in ensuring the prompt transfer of the refugees. His Government was attempting to mediate between rival factions in the subregion in the hope that, through preventive diplomacy, all the refugees would one day have left the Central African Republic.

96. He noted that, throughout 1996 and the first half of 1997, his country had experienced a series of rebellions of a military, ethnic and political nature whose origins lay both within and outside the country and which had destroyed the national economy and weakened the democratic institutions established through free, transparent and multi-party elections held under international supervision in October 1993. State employees had not been paid in over six months and, as a consequence, a portion of the army had rebelled in April 1996. The Bretton Woods institutions had recently forced his Government to make a debt payment of nearly 2 billion CFA francs which had compelled the latter to cancel its plans to pay State employees one month's salary at the beginning of the 1997 school year. Inevitably, some teachers had begun a strike, which had not yet ended. That situation made it all the more urgent for the current refugee crisis to be resolved.

97. Mr. NAZARIAN (Observer for Armenia), speaking in exercise of the right of reply, said he wanted to correct some of the statements made by the representative of Azerbaijan and, in particular, to object to the latter's use of the term "Armenian aggression". It was well known that the conflict in Nagorno-Karabakh lay between the self-defence forces of that region and the Azerbaijani army. The reference to Armenia as an aggressor in that conflict was therefore unacceptable, unethical and contrary to international norms. Azerbaijan had always tended to exaggerate facts and distort statistical data in an effort to impose its version of events on international institutions and donor countries. That position not only contributed to an escalation of tension in the region, but also had unfavourable consequences for the refugees themselves, as in the Barda and Immishli camps, where refugees were being held for the sole purpose of acquiring funds.

98. His Government had already paid the equivalent of US$ 110 million to Azerbaijani refugees in compensation for the property which they had lost on leaving the country. Unfortunately, Azerbaijan had done nothing to indemnify the 350,000 Armenians who had been forced to leave Azerbaijan and had been awaiting compensation for nearly 10 years. He called on the Executive Committee to draw the attention of the Azerbaijani authorities to that important matter.

The meeting rose at 1.05 p.m.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.96/SR.521
1 December 1997

ENGLISH
Original: FRENCH

EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-eighth session

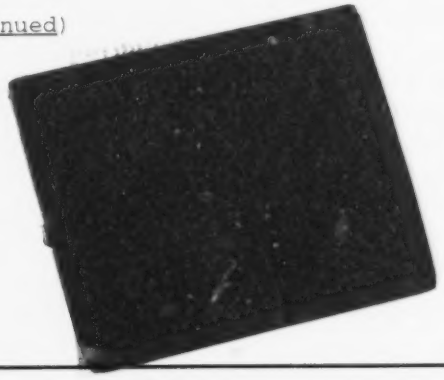
SUMMARY RECORD OF THE 521st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 15 October 1997 at 3 p.m.

Chairman: Mr. SKOGMO (Norway)

CONTENTS

ANNUAL THEME: REPATRIATION CHALLENGES (continued)



This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Executive Committee will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-03151 (E)

The meeting was called to order at 3.15 p.m.

ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (continued)
(A/AC.96/887)

1. Mr. LIŠKA (Observer for Slovakia) said that his country had had 359 asylum-seekers in 1995 and 415 in 1996 and anticipated 900 in 1997, a number which Slovakia's legal framework and material and technical conditions should be able to handle. The procedure for processing requests for asylum, from the granting of refugee status to integration into society, was fully compatible with the mechanisms used by European Union member States. With the assistance and support of UNHCR, the Slovak Republic had been successful in ensuring refugee protection, which was an indispensable part of its migration policy. For example, between the beginning of 1993 and 30 June 1997, almost 2,500 displaced persons from the former Yugoslavia had been granted temporary protection in centres run by the Migration Office of the Ministry of the Interior or in private facilities throughout the country.

2. Furthermore, the Slovak Republic had been the European country from which the very first group of de facto refugees had been successfully repatriated to their country of origin in early 1996. Those who had not been repatriated had been authorized to extend their stay in accordance with the Slovak Aliens Law and Refugee Law. That encouraging result had been reached through close cooperation between the Ministry of the Interior, the competent authorities of Bosnia and Herzegovina, UNHCR and the International Organization for Migration (IOM); the last two organizations had supported the repatriation process both financially and technically.

3. In that regard, he expressed his deep gratitude to UNHCR for playing an active role in the integration of foreigners with refugee status by financing the reconstruction of facilities for their accommodation, providing grants and assisting non-governmental organizations (NGOs) actively participating in that integration effort.

4. The Slovak Republic was aware of the important role of UNHCR in solving problems associated with the reception of refugees and was endeavouring to create the best possible conditions for that organization's activities. To that end, it would pay the rent for the new UNHCR offices.

5. Mr. ZAHRAN (Observer for Egypt) said that the growing complexity of the problems of refugees and displaced persons throughout the world created an enormous challenge to the international community: providing those people with the necessary protection and care and ensuring their return to their countries of origin and their homes.

6. With regard to the right of refugees and displaced persons to return home, he drew attention to the situation of the Palestinian refugees who had been forced several times between 1947 and 1982 to leave their homes and seek refuge in neighbouring countries. Under General Assembly resolution 194 (III) of 1948, which clearly stated that refugees had a right to return to their country and to receive compensation, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) had been established in order to provide them with the care and services they

needed until they returned home. In view of the financial crisis currently faced by that Agency and its negative effect on the latter's ability to carry out its mandate, he appealed to donor countries to continue to provide UNRWA with the necessary financial and technical support until a lasting solution to the problem had been found. It was also important to ensure the necessary coordination between the activities of UNRWA and UNHCR.

7. The refugee problem in Africa had taken on special dimensions because there were some 9 million refugees on the continent. While there had been efforts to ensure the voluntary repatriation of refugees in Angola, Liberia, Mozambique and some parts of the Horn of Africa over the past few years, increased international and regional efforts were still needed in the Great Lakes region.

8. In the former Yugoslavia, one of the priority areas for UNHCR activities, there had been remarkable improvement in the situation of Bosnian civilians and refugees as a result of international political action. However, the international community must establish the conditions necessary to the repatriation and return to their original homes of Bosnian refugees and displaced persons. That could be achieved only if all parties fully implemented the provisions of the Dayton Peace Agreement and respected the results of local elections and if those accused of having committed crimes against humanity or war crimes were brought to justice as quickly as possible. For its part, Egypt had provided the Bosnians with humanitarian assistance which had been distributed with the help of UNHCR and had participated in the International Forces (IFOR) in order to contribute to the achievement of a peaceful solution to the conflict.

9. The international community - Governments, specialized agencies and NGOs - should cooperate and coordinate efforts to secure international protection for refugees and should work with the High Commissioner to assist countries of asylum, especially developing countries, to host and protect those refugees while providing the necessary services to their own populations. In that regard, he drew attention to the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, which was an example of a practical approach to the specific problems of Africa, and to the Cairo Declaration on the Protection of Refugees and Displaced Persons in the Arab World, which had been adopted in 1994 by a group of Arab experts in cooperation with the International Institute of Humanitarian Law.

10. Lastly, he said he considered the actions which had driven refugees from their camps to be unacceptable and expressed regret for the incidents which had led to the death of humanitarian workers.

11. Mr. NSANZE (Observer for Burundi) said that, under the primary applicable international instruments, certain conditions were inherent to the status of all genuine refugees and that refugees were required to refrain from acts of violence against their countries of origin. In view of the current situation in Burundi, that country, in accordance with article 1 (F) of the 1951 Convention relating to the status of refugees, was not applying the provisions of that Convention to any person with respect to whom there were serious reasons for considering that he had committed a crime against the

peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; that he had committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; or that he was guilty of acts contrary to the purposes and principles of the United Nations. The well-founded nature of those provisions had been confirmed by the OAU Refugee Convention of 1969, which urged signatory States to order the refugees whom they hosted to refrain scrupulously from any attack against any member State of the Organization which took the form of activities that might provoke tension between States, whether in the form of armed action or through the press or broadcast media. Unfortunately, the legal principles and international instruments which governed the obligations of host countries and refugees were more often ignored than applied.

12. Many of the notorious criminals responsible for the massive killings in Burundi had hidden among the thousands of Burundians who had fled the periodic international tragedies and had been accepted and protected by neighbouring countries; however, nothing had been done to separate genuine refugees from the escaped criminals who had subsequently launched attacks against Burundi.

13. Genocide had taken place in 1994 with the full knowledge of the international community and in the presence of the United Nations Assistance Mission in Rwanda (UNAMIR), which had been first forced into immobility and later called on to evacuate the country instead of rescuing a people doomed to destruction. The refugee camps, which had been infiltrated by murderers, had degenerated into arsenals and the international community had capitulated to the point of allowing funds and assistance intended for genuine refugees to be seized by the aggressors.

14. Despite the recent stormy exchange of threats and accusations between the Burundian and Tanzanian Governments, which had damaged a relationship formerly characterized by peace and cordiality, it was to be hoped that political realism would prevail and that peace, security and stability would be reestablished throughout the Great Lakes region through genuine solidarity and cooperation between the United Republic of Tanzania and Burundi. The Tanzanian Government had the means to prevent armed aggression against Burundi. The nearness of the refugee camps to the Burundian border was the primary cause of attacks on Burundi and, consequently, of friction between the two countries. By moving the refugee camps, which functioned as a haven for the aggressors, to more distant regions, the United Republic of Tanzania would eliminate the danger from those elements.

15. With regard to practical measures for preventing all forms of violence, the Burundian Government proposed that obligations assumed under the international refugee conventions should be strictly respected and applied, that the Technical Working Group established by the Tripartite Agreement between Burundi, Tanzania and UNHCR should be reactivated in order to encourage voluntary repatriation, that refugees who did not wish to return to Burundi should be moved to a site at least 150 km from the border, that Burundian refugees should be disarmed and prohibited from engaging in any political activity in Tanzania and that a group of neutral observers should be established in order to verify incursions from the United Republic of Tanzania and to monitor the border with Burundi.

16. With regard to the question of voluntary repatriation, Burundi had always encouraged the return of its nationals and appealed to them to come home. The only conditions which it imposed both on candidates for repatriation and on individuals who had already been repatriated were disarmament and its necessary corollary, peaceful behaviour, which were in full conformity with international instruments and the objectives of UNHCR. Tens of thousands of refugees had returned to Burundi during the past 12 months, despite the crushing weight of the economic embargo imposed on the country. In that regard, he urged the United Nations and the international community as a whole to contribute to the achievement of two essential goals: the provision of major financial and economic assistance in order to make possible the reintegration and resettlement of the thousands of refugees who had already arrived in the country or would soon do so, and the urgent lifting of the embargo with its excessive social, economic and political consequences.

17. Ms. SHARIPOVA (Observer for Tajikistan) said that the Commission of National Reconciliation, created under United Nations auspices, had begun its work, one of the most important aspects of which was to ensure the safe, dignified and voluntary repatriation of Tajik refugees and their reintegration into the political and social life of Tajikistan. The signing of the Peace Agreement had made it possible to create conditions conducive to the repatriation of Tajik refugees from Afghanistan. Unfortunately, the 7,000 refugees who had returned to the country were still living in the open air because their houses had been destroyed, burned or looted. The Tajik Government therefore welcomed the High Commissioner's decision to assist in the reconstruction of 4,500 houses and urged her to speed up the reconstruction programme so that it could be completed before the beginning of winter.

18. Despite the difficult economic situation, the Tajik Government had taken several measures to assist refugees who had returned to the country. For example, employed refugees were considered to have served without interruption and received three months' salary upon arrival. Travel expenses were reimbursed and illegally occupied houses were immediately returned to the refugees who owned them. Furthermore, each family of refugees received a special 20-year loan of about 100,000 Tajik roubles.

19. As part of that process of social rehabilitation, the Government not only had to rebuild over 12,000 destroyed houses, but also had to confront the consequences of the war, which affected nearly a third of the total population. Without international assistance, the Government could not solve the complex problems associated with the repatriation, reintegration and social protection of refugees. He therefore requested the launching of a joint United Nations assistance programme in Tajikistan for 1997-1998. Tajikistan greatly needed assistance from UNHCR, particularly since increased military activity in Afghanistan might give rise to large-scale, catastrophic refugee movements.

20. It was time to send a group of experts to Tajikistan in order to evaluate the situation and to develop projects with the following goals: reconstruction of the houses of returnees, provision of food, medical supplies and clothes for refugees, reconstruction and expansion of reception and monitoring centres, rebuilding of roads and bridges used by convoys of

refugees and provision of modern equipment to the Migration Services and the Commission of National Reconciliation. The United Nations should also create a special trust fund to assist refugees, displaced persons and the most vulnerable groups of the Tajik population. When the political situation had stabilized, it would be time to move from humanitarian assistance to promotion of the country's economic development.

21. Mr. NDIAYE (Observer for Senegal) said that the theme of the current session, "repatriation challenges", was timely because conflict resolution, voluntary repatriation and resettlement assistance might long have remained parallel activities if a number of events and situations had not demonstrated the close links between them. At present, it was widely recognized that the protection and assistance provided to refugees must not stop when they crossed the borders of their countries of origin. All possibility of reconciliation would be compromised unless that return was accompanied by a genuine programme of reintegration assistance. Unfortunately, neither conflict resolution nor sustainable development programmes fell within the mandate of UNHCR; they were handled by other institutions, which usually did not have the same priorities as those of humanitarian agencies.

22. There were many challenges. While it was true that States had the primary responsibility to protect their citizens and guarantee their safety, the important responsibility for international protection lay with the international community in cases where States were weakened or non-existent. However, it must be recognized that in the harsh reality of the current situation, most parties were unable to carry out their missions as they would have liked to do. Only in rare cases was UNHCR able to anticipate, plan and organize the large-scale repatriation of refugees, monitor their integration and negotiate and monitor the proper implementation of agreements with countries of origin. On the contrary, UNHCR was usually faced with spontaneous refugee movements which were the cause of the many problems that characterized the present humanitarian situation.

23. His delegation considered that repatriation challenges required a comprehensive, integrated response to all problems on the part of the international community. First, methods of conflict prevention and resolution must be improved, since, although humanitarian action must not be politicized, there was a need for greater cooperation between humanitarian agencies and political bodies. Secondly, it was essential to ensure the safety of returnees in their countries of origin, which would entail, above all, respect for the guarantees which had made repatriation possible.

24. The United Nations development agencies and UNHCR should coordinate their efforts to ensure continuity between immediate assistance and adequate management of individual situations with the ultimate goal of ensuring sustainable development. In that regard, he noted that, at the eighth meeting of the Standing Committee, Senegal had urged that the quick impact projects, which had been begun several years previously in order to assist in the reintegration into their countries of thousands of Latin American refugees, should be extended to Africa.

25. Every large-scale repatriation situation called for the coordination of activities in the fields of the environment, food security, health and job

creation. As the only universal humanitarian assistance agency, UNHCR should make greater efforts to ensure a general culture of cooperation and coordination in the areas of repatriation and social reintegration assistance.

26. Mr. GUBB (Observer for New Zealand) said that the choice of annual theme, "repatriation challenges", was a timely one because voluntary return in dignity and security was the most desired of durable solutions to the refugee problem. He applauded UNHCR's success in facilitating a substantial increase in the number of repatriations, even though that reflected the disturbing and unprecedented scale of the UNHCR refugee case load in recent years. New Zealand wished to pay particular tribute to the staff of UNHCR, which had successfully coped with one of the greatest repatriation challenges in history, that of the refugees dispersed throughout the Great Lakes region, with courage and determination.

27. However, recent developments in that region, particularly the forced repatriation of Rwandan refugees from the Democratic Republic of the Congo and the suspension of UNHCR operations, were very disturbing. New Zealand supported the High Commissioner's decision to suspend activities and deeply regretted the violation of international humanitarian principles that had led to it. While his delegation recognized the heavy burden placed on the countries of the region which were hosting Rwandan refugees, it urged the Governments of those countries to give UNHCR their full support so that the refugees could be protected, nourished and ultimately repatriated in a safe and orderly fashion.

28. Repatriation challenges did not end with the disembarkation of refugees in their countries of origin. Increasingly, UNHCR had been obliged to provide further assistance to refugees, since economic, social and legal reconstruction was critical to their effective integration. New Zealand had demonstrated its own commitment to what might be termed "repatriation aftercare" by providing funding for NGO projects in the Great Lakes region and welcomed the attention given by UNHCR to improving interagency coordination in that important field.

29. Mr. MUTISO (Observer for Kenya) said that the choice of theme for the current session, "repatriation challenges", could not have been more appropriate. At present, the greatest of those challenges was that of diminishing resources as a result of donor fatigue. Poor developing countries, which hosted hundreds of thousands of refugees, had contributed enormously, both materially and morally, to the humanitarian cause. However, the decrease in donor assistance had obliged those countries to carry out their obligations with limited resources, which invariably led to competition between refugees and the local population.

30. Most countries of asylum, including Kenya, were developing countries with their own problems such as persistent droughts and fast-growing populations. It was therefore difficult for them to request assistance for their own nationals or for refugees. The result was a serious security problem, primarily as a result of armed refugees in the camps. For that reason, countries of asylum might be obliged to resort to forced repatriation even when the situation in the country of origin had not improved.

31. It was important not to be too quick to condemn countries which, as a result of internal and external problems, had asked refugees to leave their territory. Rather, it was important to consider why such actions were becoming increasingly common. The international community had failed to see the serious problems with which host countries were faced, which included insecurity, environmental deterioration and competition for scarce resources.

32. Kenya encouraged voluntary repatriation, which remained the best durable solution, provided that it was accompanied by reintegration programmes and that situations conducive to the return of refugees were created in countries of origin. Only about 180,000 of the 500,000 refugees which Kenya had hosted in the early 1990s remained. The others had been voluntarily repatriated, resettled to third countries or integrated locally. In that regard, Kenya advocated a regional approach to the search for lasting solutions to the plight of refugees, particularly through the Intergovernmental Authority on Development (IGAD), whose efforts had begun to bear fruit and should be supported by the international community. With regard to the Kenyan refugees in Ethiopia, consultations between the two countries had begun and preparations for repatriation were at an advanced stage.

33. The Government of Kenya, which continued to grant refugee status to all qualified applicants, reaffirmed its commitment to finding a lasting solution to the refugee problem in Africa and throughout the world. He paid tribute to the High Commissioner and her staff, who were working with great devotion under very difficult circumstances. Lastly, he thanked the Governments which had, in a spirit of burden sharing, permitted the resettlement in their countries of thousands of refugees from Kenya.

34. Ms. KUPCHYNA (Observer for Belarus) said that she welcomed the choice of theme for the current session and noted with satisfaction that there had been a decline in mass movements of refugees, particularly in Africa. It was therefore time for UNHCR to focus on the search for durable solutions, but without prejudice to the institution of asylum. Her delegation considered that only voluntary repatriation under conditions of dignity and safety could ensure a truly durable solution.

35. However, current refugee situations showed that there was sometimes no alternative to asylum. It was therefore important that Governments should, in accordance with their international obligations, grant asylum and respect in practice the principle of non-refoulement. It would be desirable for UNHCR to play a more active role in reintegration and rehabilitation activities on the basis of a comprehensive and preventive approach which would require closer coordination and cooperation with a wide range of international partners. In that regard, she welcomed the cooperation between UNHCR and the Office of the High Commissioner for Human Rights.

36. Her delegation had been pleased by Mrs. Ogata's statement that, despite funding constraints, UNHCR remained committed to the process of follow-up to the Regional Conference to Address the Problem of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States. She commended the efforts of UNHCR, in cooperation with IOM, to translate the programme of action adopted by that Conference into programmes to meet the

needs and priorities of each country in the Commonwealth of Independent States (CIS) and to mobilize the necessary funding. The implementation of that programme was a top priority for the Government of Belarus, which had taken a number of important measures to strengthen the institutional framework for migration and displacement problems. In 1997, Belarus had started to implement procedures for the determination of refugee status and the granting of asylum. Her Government recognized the importance of wide acceptance and observance of the 1951 Convention and its 1967 Protocol and was considering the possibility of acceding to those international instruments.

37. Mr. TANDAR (Observer for Afghanistan) said that the necessary conditions for the return of refugees did not depend only on countries of origin. Certain asylum countries made use of the refugees in their territory to create or maintain instability in countries of origin. Refugee camps were then sources for the recruitment of militia and host countries openly served as staging points for those militia, whose members acted with impunity. Religious schools were thus transformed into genuine military training centres and students who should have been in the mosques were driving tanks and fighting on battlefields. In such situations, there could be no voluntary return of refugees with dignity.

38. Afghanistan had the largest number of refugees of any country in the world. Between 1992, when the Soviet troops had left and the resistance had come to power, and 1995, 3,300,000 refugees had returned to that country. The number of refugees had stabilized at 2.7 million in 1995 and there had been no major change since then. At that time, a flood of intolerance, extremism and increased foreign interference inspired by the movement named for the Taliban or divinity students had swept over Afghanistan. That movement, which fed on war, carried out inquisitions, imposed dictatorship and oppression and deprived women of the right to existence could offer the country only a future of ignorance, obscurantism, illiteracy, underdevelopment and foreign domination. It was the international community's duty to refuse to tolerate the actions of that fanatical movement under any circumstances.

39. In a country such as Afghanistan, which was still suffering from the direct and indirect effects of an externally imposed war, the repatriation of refugees was possible only if a number of minimum conditions were met: demining operations must be pursued and accelerated, infrastructures must be restored and rebuilt and, in order to prevent overconcentration of the population in urban centres, which would be a source of future problems, irrigation canals, primary health-care centres and schools damaged by war must be rebuilt. His delegation expressed its appreciation to UNHCR for its activities in those areas and called for increased coordination of the activities of the different United Nations agencies.

40. However, it must not be forgotten that a number of political conditions, first among them the end of military action, must be met before the repatriation of refugees would be possible. To that end, outside interference, the primary cause of the conflict, must cease immediately. No compromise on that issue was possible if the dignity of individuals and respect for human rights law and principles were to be preserved. Everything possible should be done to increase the participation of women in national reconciliation and reconstruction.

41. However, political issues lay outside the scope of UNHCR. Therefore, the international community as a whole must take vigorous action to restore peace in Afghanistan. His Government wholeheartedly supported the initiatives taken by the United Nations Secretary-General in that regard.

42. The High Commissioner had expressed concern about the 7,000 Tajik refugees located at the Sakhi camp in northern Afghanistan; he was pleased to announce that, since the defeat of the Taliban in the north, there was no longer any barrier to the repatriation of those refugees. The Afghan authorities assured UNHCR of their full cooperation in that regard.

43. Mr. BUNDAUDA PHIRI (Observer for Malawi) said his country was currently hosting a small number of refugees from Somalia, Rwanda, Burundi and the Democratic Republic of the Congo. They could be voluntarily repatriated only through cooperation between the host country, the country of origin and the refugees themselves. Only a few Rwandan refugees had decided to return to Rwanda voluntarily. Those who had not wanted to do so were still recognized as refugees in Malawi and remained there legally. His Government appreciated all the correspondence which it had received from Amnesty International and other human rights organizations throughout the world concerning the Rwandans who had repatriated from Malawi. He assured those organizations and the Executive Committee that those refugees had not been forced to return to their country, but had freely exercised their right to return. He was convinced that, since the Rwandan Government had informed Malawi of its willingness to receive them, their repatriation had taken place under conditions of safety and dignity. He thanked UNHCR for having facilitated that small exercise.

44. However, his delegation drew attention to the double-edged practices of some NGOs which seemed to have special interests that went beyond protection, care and maintenance. The repatriation of Rwandan refugees would have been more successful had it not been for the interference, not the assistance, of some NGOs. Prior to the beginning of the exercise, a disturbance had resulted from the leakage of information about the repatriation and had caused hundreds of refugees to flee from the camp in question. It was most unfortunate that that leakage had originated in Geneva, where an NGO had sent information by fax to refugees in Malawi who had, in turn communicated it to the groups in question.

45. A refugee could not remain a refugee forever. Unfortunately, repatriation often brought new problems. Returning refugees found their homes destroyed and food supplies inadequate and must also face new dangers such as landmines and even additional atrocities. His delegation therefore urged the Executive Committee to explore further its mandate with regard to the repatriation of refugees. Reintegration must take place under acceptable conditions if voluntary repatriation was not to lose all meaning as a durable solution. Since the reintegration process was less an emergency issue than it was a development activity, it required the cooperation of the donor community and NGOs.

46. To repatriate refugees only to subject them to death or maiming from landmines was to condemn them to perpetual punishment. His delegation had heard that the presence of landmines in areas of return in certain countries of origin was a source of concern. But it was natural for people to seek to

return to their places of origin, even if other areas would be safer. His delegation believed that a separate programme should be established to ensure that safety from landmines was guaranteed in areas of return. While efforts had already been made in that regard, they were not enough.

47. During refugees' stay in countries of asylum, they amassed property or wealth which should be taken into consideration during repatriation as it was their only hope of survival. Countries of asylum should ensure that nothing prevented refugees from carrying their property with them during repatriation.

48. Recently, various human rights organizations had failed to support certain repatriation exercises, accusing Governments of forcibly repatriating refugees. Those organizations ignored the fact that consultations with various players had taken place during those exercises so that their true circumstances were well known and championed human rights by embarking on futile campaigns of castigation of Governments carrying out voluntary repatriation programmes. It seemed that, even though the relevant instruments and protocols had been signed and most countries upheld and respected the provisions thereof, a lack of trust still prevailed in refugee-related matters. His delegation had the strong feeling that host countries had no desire to send refugees deliberately into situations of conflict. Repatriation should be a smooth and welcome activity carried out with the cooperation of UNHCR and in consultation with the refugees and the country of origin.

49. Mr. N'GORAN TECKLY (Observer for Côte d'Ivoire) said that, as promised at the forty-seventh session of the Executive Committee, his country was in the process of ratifying the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and of adopting a national refugee act. With regard to the issuing of identity card to refugees, he said that Côte d'Ivoire was not certain whether such a project was appropriate, at least at present, but that it had decided to issue identity cards to refugees who decided to remain in Côte d'Ivoire after the end of the repatriation exercise which had just begun.

50. In close cooperation with UNHCR, Côte d'Ivoire had undertaken a major programme to register Liberian refugees in the reception area where they were gathered. That project had shown a major drop of almost 48 per cent in the originally estimated number of refugees, something that could be explained by the fact that many Liberians had left the area to return to Liberia or to settle in Côte d'Ivoire's major cities or had refused registration for various reasons (fear of refoulement, lack of material incentive or religious, security or psychological reasons). Nevertheless, 160,000 Liberian refugees had agreed to registration.

51. Côte d'Ivoire was fully committed to respecting scrupulously the terms of the agreement on the voluntary repatriation of Liberian refugees. The remaining refugees would be given full protection so long as they were not subject to the cessation clauses in the relevant conventions.

52. Consideration of the theme of repatriation challenges provided an opportunity to make proposals for improving repatriation, which was the ultimate solution. Recent events had shown that repatriation was not always

voluntary. It was not uncommon that, for political, economic or security reasons, countries of asylum called into question their generous immigration policies. Furthermore, refugee assistance depended on the length of the period of asylum. While refugees were flooded with assistance in the beginning, that assistance decreased gradually over time and eventually disappeared. Whatever their degree of integration, refugees were always considered to be foreigners who, as such, had only limited access to the resources of the asylum country. Rightly or wrongly, they were sometimes viewed as privileged residents in developing countries in crisis, where their presence was burdensome. In addition, the refugee population included criminals, soldiers and economic migrants carrying out illegal activities. The combination of those problems too often led to tragic situations where countries of asylum might be tempted to repatriate refugees forcibly to their countries of origin. It had been proposed to remedy that situation through burden sharing, but that expression must be defined. It might be wondered whether it meant that burdens should be shared between countries and UNHCR as the international community's representative in matters related to refugees, with UNHCR as coordinator of assistance to refugees, or with the international community, including UNHCR, donor countries, other agencies of the United Nations system and development agencies.

53. Côte d'Ivoire considered that burden sharing concerned not only UNHCR and the other agencies of the United Nations system, but also rich countries and development agencies, since the causes of refugee situations were often associated with development problems. Joint efforts by all partners to find a solution to security and development problems in the various areas that hosted refugees could offer a new approach to refugee assistance policy, strengthen the institution of asylum and reduce the likelihood of forced repatriation as a result of internal problems in countries of asylum. It was also essential that assistance programmes should be more carefully managed.

54. Conditions in countries of origin, as well as those in countries of asylum, could compromise the success of repatriation efforts and therefore of international protection. Those conditions were all the more important when repatriation took place after a conflict. Strengthened peace and reconciliation and the re-establishment and rebuilding of infrastructures were signs of successful repatriation. But the real problem was that of the funds available to UNHCR in its efforts to evaluate conditions and to determine the right moment for repatriation.

55. In countries where infrastructures had been destroyed and the State presence was partial or non-existent, Côte d'Ivoire considered that a case-by-case approach should be given further consideration. In many cases, UNHCR had no other choice than to organize repatriation. In such cases, all partners must participate in the preparation for, and implementation of, plans for repatriation. The country of asylum would thus be informed and aware of the situation in the country of origin, the latter would commit itself to strengthening peace and reconciliation and donors would help to set up programmes for the reintegration of refugees and displaced persons and, at the same time, for the comprehensive reconstruction of the country of origin.

56. In that regard, he welcomed the signing of agreements between UNHCR and other agencies. In many cases, as soon as conflicts were over or elections

were held, international assistance to countries of asylum ended without being totally transferred to the country of origin. That abrupt end to refugee assistance in countries of asylum, without regard for conditions of reception in countries of origin, posed a problem. It led refugees to choose repatriation solely for the benefits that it offered, only to return immediately to the country of asylum. Those people, who were in reality migrants, were a threat to the protection of refugees who, for other reasons, had chosen not to return to their countries of origin. A gradual, targeted end to assistance programmes could strengthen the voluntary nature of repatriation and the protection of remaining refugees in the country of asylum.

57. Côte d'Ivoire welcomed the improvement in the situation in Liberia and was pleased at the holding of fair, transparent elections there. However, those elections alone did not provide a solution to the country's problems. The Government of Côte d'Ivoire would therefore continue to follow with great interest developments in the situation in that country and in Sierra Leone, many of whose nationals had taken refuge in Côte d'Ivoire. He thanked the donors and multilateral agencies which had supported Côte d'Ivoire in its hosting of refugees and invited them to help the country formulate a policy for development and environmental rehabilitation throughout the reception area, which had been seriously affected by over eight years of habitation by great numbers of Liberian refugees. He was pleased by the fruitful cooperation between UNHCR and Côte d'Ivoire, which justified the latter's deep commitment to the success of the repatriation plan for Liberian refugees, as well as the decision to open a UNHCR office in Abidjan in order to coordinate that important operation.

58. Ms. BU (Observer for Honduras) said that, although her country had offered asylum to many political refugees in the past, only a small number of refugees currently remained in the country thanks to the Honduran Government's policies of integration and of promotion and respect for human rights, programmes carried out jointly with other Central American countries, the cooperation of the international community and NGOs and the ongoing support of UNHCR.

59. Honduras considered that all Governments must endeavour to encourage the integration of refugees, internally displaced persons and local populations living near the camps. Since refugees received substantial assistance from the international community, it was important to provide the local population with comparable living conditions. Moreover, there were two categories of refugees: those who were recognized as such, who were under government control and received humanitarian assistance, particularly from UNHCR, and those who were illegally present in the country and had not been registered there. Honduras supported organized repatriation with the active support of UNHCR, which was responsible for ensuring the voluntary nature of the return.

60. The Honduran Government welcomed the repatriation activities undertaken in its region, particularly the repatriation from Mexico of Guatemalan refugees. It also welcomed the efforts of UNHCR, particularly in the area of voluntary repatriation, which were consistent with respect for the human rights of refugees.

61. Mr. PAULINICH (Observer for Peru) said that the annual theme of the current session accurately reflected the current situation of the international community. His delegation agreed that, provided that certain conditions were respected, repatriation was the most appropriate solution. Repatriation, including that of internally displaced persons, must be voluntary and must take place under conditions of safety and dignity. With the help of the communities concerned, Peru was currently in the process of ensuring the resettlement of nearly 600,000 people who had been internally displaced after the violence caused by subversive activity during the 1980s. It was also important for States to undertake to respect one of the basic principles of international humanitarian law, that of non-refoulement.

62. As Mrs. Robinson, High Commissioner for Human Rights, had emphasized in her statement before the Executive Committee, it was important to deal with the causes of refugee movements, and of population displacement in general, in order not only to solve those problems, but also to prevent them. From the economic point of view, it was better to invest in development assistance than in the maintenance of refugee camps. In that regard, his delegation supported the representative of Colombia's request, at the ninth meeting of the Standing Committee, that UNHCR should participate financially and technically in the prevention of additional population displacements in Colombia. Furthermore, since humanitarian assistance was only a temporary solution, his Government considered that increased efforts should be made to strengthen national capacities with the active cooperation of United Nations agencies.

63. Lastly, his delegation congratulated El Salvador on its achievements in the area of repatriation and noted with satisfaction the close cooperation between the Mexican and Guatemalan Governments and UNHCR and their progress in repatriating displaced Guatemalans.

64. Mr. ANTONIO (Organization of African Unity (OAU)) said that OAU was pleased by the choice of annual theme because it viewed voluntary repatriation as the ideal solution to the refugee problem in Africa. However, repatriation should be voluntary in nature and the countries concerned should assure refugees that they would be favourably received and would be able to resume normal lives without fear of punishment for having left their countries, help them if they wished to return to their homes, facilitate their reintegration into their countries of origin and, lastly, grant a general amnesty to those who were afraid to return to their countries on account of persecution on political grounds and guarantee their reintegration and restoration of their rights. During voluntary repatriation operations, countries of origin, countries of asylum, OAU and UNHCR should be guided by the provisions of the 1951 Convention and its 1967 Protocol and those of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

65. With regard to the situation in the Great Lakes region, OAU believed that it was important to screen refugees through cooperation between countries of asylum and countries of origin in order to determine their status. The right to non-refoulement and to protection should be respected by all parties concerned. On the other hand, refugees should not be allowed to engage in political or other activities not commensurate with their status.

66. Since countries of asylum could not continue to shoulder the burden of refugees alone without the assistance of the international community, he urged UNHCR to re-examine the question of burden sharing and to make proposals for increasing financial and material support to African countries.

67. OAU, for its part, would continue to address the root causes of the problem of refugees and displaced persons in an attempt to assist in the search for lasting solutions. In the meantime, the OAU Commission of Twenty on refugees would continue to undertake fact-finding missions to some of the OAU member States affected by that problem in order to acquaint itself with realities in the field. The Commission had also begun the implementation of its programme of action for 1997-1998, which had been adopted in July 1996. The Commission of Twenty would organize a meeting at the ministerial level during the first quarter of 1998.

68. In order to address the problem of refugees and displaced persons appropriately, it was important to support the process of post-conflict recovery in countries of origin, to examine the root causes of population movements and cycles of conflict and to increase international assistance to Africa so that it could respond more effectively in the future. Lastly, OAU remained willing to work closely with UNHCR and other humanitarian agencies in the search for durable solutions to the problem of refugees and displaced persons on the African continent, where they were most numerous.

69. Mr. COS (European Commission) drew attention to some statistics concerning the financing by the European Union and its member States of work carried out by UNHCR on behalf of the international community (382 million ecus in 1996, of which the European Community Humanitarian Office alone had received 113 million); those statistics illustrated the interdependence which had developed between UNHCR and the European Union in the field of international humanitarian relief and the mutual confidence which had grown between them.

70. That relationship had not always been an easy one, since the European Commission had sometimes been criticized by other European humanitarian organizations for being too heavily committed to UNHCR. The Commission had made that decision, after sober consideration, because the succession of humanitarian crises in various parts of the world required choices and because it wished to support UNHCR cooperation efforts.

71. Over the past few months, the European Community Humanitarian Office had been involved in a dialogue with its partners concerning the renewal of the framework partnership agreement which governed the working relationship among them. That new agreement would be the basis for cooperation in years to come; it was more simple and flexible, yet preserved adequate levels of responsibility and control. Over the past three or four years, the Office had also developed plans to improve its programming of intervention during prolonged humanitarian crises; UNHCR had been of great assistance in the conception and implementation of those plans.

72. The European Union must increase its efforts to promote greater morality in foreign policy, including the refusal to accept gross violations of humanitarian law and the taking of action against those who deliberately made

humanitarian workers into human targets. In years to come, the European Commission looked forward to joining UNHCR and other international humanitarian agencies in their efforts to promote better coordination and to achieve progressive improvement in the quality of humanitarian aid.

73. Mr. DECAZES (Sovereign Military Order of Malta) said that the Sovereign Military Order of Malta welcomed the choice of repatriation challenges as the annual theme of the current session because it was an issue which, unfortunately, concerned many regions. He described some of the Order's activities in that field.

74. Generally speaking, the emergency assistance provided by the Order in the Great Lakes region, particularly with regard to the repatriation of Rwandan refugees from South Kivu, had continually focused on reconstruction and development (rebuilding of the social infrastructures of communities in South Kivu). Furthermore, UNHCR had entrusted the Emergency Corps of the Order of Malta with the task of ensuring the repatriation of 70,000 refugees from the former Zaire from the United Republic of Tanzania to the Democratic Republic of the Congo. In Europe, the Order had provided humanitarian assistance to the former Yugoslavia since 1994 and was currently assisting returnees and displaced persons in northern Bosnia through a number of emergency projects. The Order's German Association had signed an agreement with UNHCR on the Order's participation in the Bosnian Women's Initiative, which the Order's members hoped would not only help war-affected women to rebuild their lives, but would also contribute to reconciliation in Bosnia. The Order's assistance to refugees in Asia had been primarily medical in nature. After taking part in the major operation to repatriate Cambodian refugees in 1990 and 1991, the Order had recently been called upon to provide medical assistance to the 40,000 Cambodians who had fled to Thailand following renewed unrest in their country. It was also continuing its medical emergency project for Karen refugees along the border between Thailand and Burma.

75. The Sovereign Military Order of Malta was deeply concerned at the terrible risks encountered by many returnees to countries that had been littered with anti-personnel landmines, which posed a serious threat to their safety and that of humanitarian workers in the field. It would continue, through its humanitarian activities, to promote respect for human rights and humanitarian principles. He also paid tribute to Mrs. Ogata and her staff for their commitment to fulfilment of their mandate and said he looked forward to strengthening the Order's successful cooperation with the Office of the High Commissioner for Refugees.

76. Mr. MALAMBUGI (United Republic of Tanzania), speaking in exercise of the right of reply, said that his Government had once again been the target of a gratuitous attack by the Observer for Burundi merely because it had offered sanctuary to Burundian citizens. He informed the Executive Committee that, even as he spoke, the United Republic of Tanzania was receiving an average of 50 Burundian refugees per day. For that reason, it was not contemplating repatriating those refugees, for the moment.

77. However, since the determination and evaluation of security conditions in Burundi fell within the sovereignty of the Burundian authorities and since it was true that the military junta was prepared to accept the return of its

citizens, the Government of Tanzania would be only too happy to discuss, together with UNHCR, modalities for reactivation of the tripartite agreement signed in 1992 between the United Republic of Tanzania, Burundi and UNHCR concerning the return of refugees to Burundi.

78. The Tanzanian Government reminded the delegation of Burundi that the decision to locate the camps close to the border had been intended primarily to facilitate return. If it was true that Burundi wanted its citizens to repatriate, the question of relocating the camps did not arise.

79. With regard to the militarization of the camps, he reminded the Burundian delegation that, if it had listened to his own delegation's statement, it would have learned that a joint inspection of the refugee camps by the United Republic of Tanzania and UNHCR, an impartial body, had found no evidence of militarization. Those false allegations were therefore merely an attempt to hoodwink the international community.

80. Lastly, with regard to the sanctions imposed on Burundi by neighbouring countries - not by Tanzania alone - his delegation had welcomed the Observer for the Burundian military junta's statement that those sanctions were effective and painful. That was why they had been imposed in the first place. In any case, his delegation considered that the Executive Committee was not the proper forum for raising such matters, which should be discussed at the Meeting of Heads of State, under the Arusha Peace Agreement, to which even the Government of Burundi had been invited, although, to the best of his knowledge, it had attended only once.

The meeting rose at 6.10 p.m.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.96/SR.522
23 October 1997

Original: ENGLISH

EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-eighth session

SUMMARY RECORD OF THE 522nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 16 October 1997, at 10 a.m.

Chairman: Mr. SKOGMO (Norway)

CONTENTS

ANNUAL THEME: REPATRIATION CHALLENGES (continued)

REPORTS ON THE WORK OF THE STANDING COMMITTEE

(a) INTERNATIONAL PROTECTION

(b) PROGRAMME, ADMINISTRATIVE AND FINANCIAL MATTERS

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Executive Committee will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-03154 (E)

The meeting was called to order at 10.15 a.m.

ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (continued)
(A/AC.96/882 and 887)

1. Mr. BASSIOUNI (Department of Humanitarian Affairs), speaking also on behalf of the Emergency Relief Coordinator, referred to the proposals for reform and, in particular, for the creation of an Office of the Emergency Relief Coordinator, currently before the General Assembly. The proposals had been discussed in the content of the Inter-Agency Standing Committee (IASC), which needed the support of all its members. The Consolidated Appeals Process was now regarded as the primary tool not only for resource mobilization, but also for strategic planning with a view to the coordinated provision of humanitarian assistance. With reference to IASC's recommendations pursuant to ECOSOC resolution 1995/96, he said that the lead agency concept was now a recognized option for strategic field coordination. Other recommendations were currently being revised and updated in the light of recent developments. The Emergency Relief Coordinator intended to remain in close contact with the governing boards of the various agencies, including the Executive Committee of the High Commissioner's Programme.

2. IASC was concerned about the serious situation in the Great Lakes region and, in particular, about the situation with which UNHCR was confronted in the Democratic Republic of the Congo. The conclusions to be drawn from that crisis were, first, that it was important to speak with one voice and to show solidarity with United Nations agencies facing a dilemma in situations where humanitarian principles and human rights were severely violated and, secondly, that early consultation with IASC and, if appropriate, the Executive Committee on Humanitarian Affairs (ECHA) prior to any decisions that might affect the work of other organizations would strengthen the system's ability to speak and act in unison.

3. We commended UNHCR on its repatriation work and stressed the importance of working with other organizations, most significantly UNDP, with a view to creating a bridge between UNHCR activities and longer-term rehabilitation and reconstruction. The conclusion of a memorandum of understanding between UNDP and UNHCR in Rwanda and elsewhere was a particularly encouraging step in that regard.

4. Mr. SCHLEIFFER (World Food Programme) said that UNHCR and the World Food Programme (WFP) had never before worked together as closely and successfully as they were doing at present. After outlining the significant features of the revised Memorandum of Understanding signed by both organizations in March 1997, he said that the key to the effectiveness of their joint efforts remained the pursuit of close cooperation and coordination coupled with full and timely information exchange and consultation, which had become particularly important at a time when both organizations were delegating significant levels of authority to their field managers. The relationship was further strengthened by the participation of UNHCR and WFP staff in each other's food and nutrition courses, as well as in emergency training courses. A joint task force was meeting regularly to monitor the implementation of the Memorandum.

5. The Great Lakes operation has been one of many examples of the constructive collaboration between WFP and UNHCR. Joint work plans had been drawn up at the field level at an early stage of the crisis and an array of innovative technologies and systems in such areas as radio data communications, computerized pipeline management and commodity tracking systems had been put in place. At the start of the new critical phase in the late autumn of 1996, coordination had been further strengthened by keeping communication channels open on a daily basis between the two headquarters and their field offices so that their response could be planned in a coordinated manner. In addition, under the auspices of the DHA Humanitarian Coordinator and in collaboration with UNHCR and UNICEF, WFP had established a United Nations Joint Logistics Centre in Kampala to provide overall management for logistics operations regionwide. As from 15 October 1997, WFP would be undertaking a joint "lessons learned" exercise with UNHCR and UNICEF in order to examine and appraise the effectiveness of the Great Lakes emergency operation and, in particular, the modalities of field coordination among the three agencies.

6. Experience of the first six months of the implementation of the revised Memorandum of Understanding had already demonstrated the value of defining more clearly the roles and responsibilities of WFP and UNHCR and of stressing the interdependence of their activities. WFP was confident that such positive collaboration would yield concrete results and help to improve further the quality of the two organizations' response to the needs of refugees throughout the world.

7. Mr. de COURTEN (International Committee of the Red Cross) stressed that the International Committee of the Red Cross (ICRC) attached great importance to its relationship with UNHCR, as shown, for example, by the fifth annual meeting of the heads of the two organizations held in August 1997. ICRC, whose task was to assist and protect war victims both by taking practical action and by drawing up legal rules, had during the past year pursued its activities in support of refugees and internally displaced persons affected by armed conflict, notably in the Great Lakes region of Africa, the Caucasus, Afghanistan and Sri Lanka.

8. While repatriation undoubtedly offered a lasting solution to the refugee problem, it should be carried out only under certain specific conditions, the first of which was that repatriation had to be voluntary. States should be reminded that, despite the heavy burden placed on them by a massive influx of refugees, the principle of non-refoulement remained more valid than ever. Any effort to assist civilians fleeing armed conflict should receive the support of the international community so that the impact on the host country might be kept to a minimum.

9. It was the host countries' duty to ensure that refugee camps were not used as military bases and that refugee populations did not become hostage to armed groups, whose disarmament and internment were prerequisites for the implementation of the basic principles of refugee law. ICRC took the view that repatriation was not desirable in the absence of a satisfactory political settlement of the conflict. The return had to be organized in stages and carefully planned; it should not be hampered by discriminatory administrative procedures or other red tape or be subject to any pressure designed to

influence the refugees' decisions. An independent judicial system and the restitution of, or fair compensation for, property helped to create a more stable environment for returnees. The rehabilitation of devastated areas should be undertaken before repatriation took place, and that presupposed a link between emergency responses and development activities.

10. The serious threat posed by anti-personnel landmines during repatriation operations also had to be borne in mind. The welcome progress made recently towards the banning of those weapons should not obscure the fact that landmines not only prevented people from returning home in secure conditions, but also impeded economic development, which was a crucial requirement for a successful return. ICRC took the opportunity to congratulate the International Campaign to Ban Landmines on the award of the Nobel Peace Prize.

11. In seeking a lasting solution to refugee problems, account had to be taken of the need for preventive action. Promoting greater awareness and the more effective implementation of existing law was in itself a preventive measure. ICRC reaffirmed that all States parties to the 1949 Geneva Conventions and their 1977 Additional Protocols were under an obligation to apply those instruments scrupulously and to work to ensure compliance with their provisions.

12. ICRC had helped in the preparation of a set of guiding principles for internally displaced persons by Mr. Francis Deng, the Special Representative of the Secretary-General, and hoped that the document would lead to the more effective protection of civilian populations. The issue of internally displaced persons remained high on the agenda for discussions between ICRC and UNHCR.

13. A concerted approach and constant consultations between humanitarian agencies were essential for the efficient coordination of field operations. The increasing number of serious security incidents affecting humanitarian personnel was a source of growing concern. In that connection, ICRC recalled that the question would appear on the agenda of the first periodic meeting of States parties to the Geneva Conventions scheduled for January 1998.

14. In conclusion, he emphasized that, notwithstanding the increasingly close cooperation between humanitarian organizations and those involved in political or military action, the autonomy, neutrality and independence of humanitarian activities had to be preserved in order to safeguard the dignity of the individual and alleviate the suffering of the victims of conflict.

15. Ms. AHLUWALIA (International Federation of Red Cross and Red Crescent Societies) said that, with its network of 171 national societies which had branches in some of the remotest areas of the globe, her organization was especially well placed to assist at all stages of the repatriation process. Refugees rarely wanted anything more ardently than to go back to their homes. However, repatriation should always remain voluntary and should be carried out in dignity and with full respect for humanitarian principles and the returnees' human rights. The past year had vividly demonstrated that there were situations, notably but not exclusively in the Great Lakes region of Africa, where repatriation had been carried out in less than ideal

circumstances. Her organization welcomed the declared intention of the High Commissioner for Human Rights to be more actively involved in the repatriation process.

16. Because of the increasingly complex and dangerous environment in which UNHCR and other humanitarian agency staff had had to operate during the past year, the wisdom of continuing to provide assistance in such situations had been questioned in some quarters. Her organization could not agree with such an approach. Conflicts were not fuelled or extended by assisting refugees; they were perpetuated by the failure to address the root causes or to remove combatants from refugee camps when it was obvious that civilian refugees were being held hostage. States all too often found it convenient to abdicate or not fully discharge their responsibilities. Repatriation without an overall political solution to the root causes of the initial displacement often meant exporting instability, no matter how well the host Government had organized the initial reception.

17. Associating herself with earlier tributes to humanitarian staff killed in the line of duty, she commended the High Commissioner for drawing attention in her opening statement to the commitment of so-called local staff and the dangers to which they were exposed.

18. Focusing on repatriation as the most desirable solution for refugees in times of shrinking resources should not mean forgetting those who could not return or those who had been forced to flee again. Support and assistance should continue to be provided in long-term refugee situations such as those in former Yugoslavia, Iran or Nepal, as well as to new refugees on the Thai borders or those leaving Sierra Leone or Congo Brazzaville. The situation in the latter country, in particular, where conflict appeared to be spreading to the countryside, was liable to result in further displacement.

19. While many European Governments were understandably placing emphasis on repatriation programmes, in particular with regard to refugees from the former Yugoslavia, a group of European Red Cross Societies with support from the International Federation Secretariat had set up a European Platform on Refugees with a view to elaborating guidelines and recommendations on refugee issues. The Platform's agenda included not only conditions of return and repatriation of rejected asylum-seekers, but also the issue of refugee integration, a durable solution which all too often seemed to be overlooked. The statement by the Australian representative had been encouraging in that regard. In conclusion, she again stressed that national Red Cross and Red Crescent societies were almost universally present in both asylum countries and countries of origin and had a tradition of structured cooperation, which provided the basis for significant and useful cooperation between the International Federation, UNHCR and Governments.

20. Mr. SCHATZER (International Organization for Migration) said that, following the signature of the Memorandum of Understanding between the International Organization for Migration (IOM) and UNHCR on 15 May 1997, senior staff of the two organizations had met in September 1997 to identify successes, analyse failures and draw lessons for future activities. Similar meetings were to be conducted on an annual basis. An important part of the first review had focused on the return of rejected asylum-seekers and

irregular migrants; both organizations had long maintained such return to be essential in order to ensure respect for the institution of asylum. Return was also an important element of a wider migration regime which, in order to be credible, had to balance the positive and negative elements of international migration for sending, transit and receiving countries, as well as for the migrants themselves. In that context, individuals in respect of whom it had been established by due process that they could no longer legally remain in a country not their own, but who did not in fact go home, endangered political support for asylum and orderly migration processes.

21. IOM return programmes from many countries which had traditionally attracted asylum-seekers and irregular migrants had a long and successful history. However, the number of States which were becoming countries of destination was growing, as were the problems caused for transit countries by irregular movements of people. Considerable hardship could also be suffered by the migrants themselves as a result of such movements.

22. All those factors had strengthened the case for international cooperation in migration management. During the joint review, UNHCR had urged IOM to increase its leadership role in return programmes and IOM was determined to do so. The participation of sending, transit and receiving countries in the organization made it possible to adapt IOM's programme concepts to each country's particular circumstances. The potential for complementarity between UNHCR's requirement of respect for all elements of the 1951 Convention and the IOM programmes appeared obvious. The basis for cooperation in return and repatriation had existed for a long time. In more recent years, IOM had demonstrated to the international community that the pooling of mandates and expertise could lead to successful operations even in the most complex circumstances. Overshadowed though it was by political events and wider-ranging humanitarian concerns, the fact that more than 1 million refugees had been transported by IOM from neighbouring countries to their homes in Rwanda testified to the potential of cooperation with UNHCR on return in delicate post-conflict situations. Another example was the joint work now in progress in helping people go back to the former Yugoslavia.

23. Governments grappling with the complex issues of international population movements had a right to expect a proactive, solution-oriented and collaborative approach on the part of the multilateral system. UNHCR and IOM, as well as other parts of the system, had a great deal to contribute in that respect. While multilateral reform was under way, it was important not to lose sight of the challenges raised by the many aspects of voluntary and forced migrations and to work towards an ever-more rational system of meeting them.

24. Mr. GILROY (United Nations Volunteers Programme) said that, during the past year, close on 175 United Nations volunteers had served with UNHCR in various parts of the world. The two organizations were working together in Angola, Bosnia, Sierra Leone, Liberia, the Great Lakes region and many other countries and regions. The work was made possible in part through the support of donor countries, to which he expressed his organization's sincere thanks.

25. Although recent efforts had often been defined by emergency activities in crisis situations, cooperation between the two organizations extended into the essential challenges and activities of repatriation and resettlement in more peaceful areas. In both instances, the key to the work was the pursuit of durable solutions to the plight of refugees, whether through voluntary repatriation, local settlement or third-country resettlement. UNV believed that the interests of refugees, as well as of the international community at large, could in most instances be better served through the active pursuit of solutions in the country of origin. UNHCR's description of preventive and solution-oriented strategies seemed particularly well suited to promoting and consolidating repatriation while preventing new displacement. UNV was pleased to be working with UNHCR in the areas of peace building and post-conflict reconciliation with a view to building bridges towards good governance, sustainable development and respect of human rights. The participation of all of the people affected, especially women, was essential to the identification, definition and ultimate realization of solutions. Only through a participatory approach could durable solutions to the causes of displacement be found and conditions conducive to safe return secured. The men and women who served as United Nations volunteers were well placed to help in fostering such participation.

26. Ms. ABDALLA (Islamic Educational, Scientific and Cultural Organization) said that ISESCO had been established in 1982 as a result of a decision by the Third Islamic Conference, to deal with education, science, culture and communication. Among its aims were to develop understanding and communication between Muslim countries, consolidate and strengthen peace throughout the world and preserve Arab culture. In pursuing those goals, it was active in Muslim States and on behalf of Muslim minorities in non-Muslim countries. It had devised a strategy for the development of science and technology and was also active in literacy and basic education programmes. In the area of international and regional cooperation, it had concluded 97 agreements with United Nations bodies and conducted 100 activities through financial contributions of $2.8 million.

27. ISESCO also attended to the needs of Muslim refugees within its areas of competence. It had extended relief to Somali and Yemeni refugees in refugee camps and had offered study grants for refugees in Morocco from Bangladesh, Bosnia and Herzegovina and Somalia. It believed that its activities should be strengthened worldwide, as most of the world's refugees were Muslim and 40 of its member States were refugee hosting countries. It had thus concluded an agreement with UNHCR in 1991 and a series of coordinating meetings had been held by UNHCR and ISESCO representatives in 1996. The programmes established included programmes for Somali refugees in Yemen, Bosnia and Herzegovina, Tajikistan and Afghanistan and study grants for Palestinian students in Morocco. ISESCO also planned to extend assistance to refugees in Central Asia, South East Asia, North Africa and the Middle East for the repatriation of refugees as part of a forthcoming three-year plan.

28. Ms. MAKUNDI (International Council of Voluntary Agencies) said that a lack of political will had led to blatant violations of fundamental international standards for the treatment of refugees over the past year. More must be done to enforce existing standards through regional and

international political forums and the work under way through UNHCR consultations to provide international protection for all who needed it must be accelerated.

29. Against that background, she highlighted several repatriation challenges. Repatriation could be legitimate only if the right to asylum was preserved. While many States continued to grant asylum to large numbers of refugees, too many disturbing State practices undermined that right. At the same time, there were positive developments in some States, such as increased recognition of the persecution faced by women and girls and by those who refused to serve in armed forces participating in an internationally condemned armed conflict. States were urged to commit themselves to building stronger asylum practices.

30. Non-refoulement remained the legal pillar on which both asylum and repatriation must rest. Unfortunately, there had been serious breaches of that obligation: Rwandan asylum-seekers by Congo; Myanmar asylum-seekers by Thailand and Bangladesh; and Colombian asylum-seekers by Panama. States were urged to reaffirm their commitment to non-refoulement in both theory and practice, for example by reviewing and rewriting legislation and by giving appropriate directives to government officials.

31. Repatriation, which was supposed to be voluntary, had in recent years been characterized by dangerous new terms such as "imposed return" and the "least worst option". States and UNHCR must ensure that repatriation was an informed choice, that it took place under conditions of safety and dignity and that rights were fully regarded and monitored.

32. In many refugee situations, countries of origin raised legal and administrative obstacles to prevent refugees from returning home. States and UNHCR must work together to ensure that such obstacles to return were removed.

33. Repatriation was often impeded by a lack of documentation. People were forced to flee without documentation and discriminatory citizenship legislation and practice led to loss of nationality. Without proper documentation, people were often unable to access necessary services and unable to return. States must provide the necessary documentation, in particular nationality cards. They must widen the criteria for nationality, simplify procedures and ensure non-discrimination.

34. One of the main practical constraints for repatriation was physical danger in the country of origin, to which women, children and the elderly were particularly vulnerable. Insecurity was acute when returnees were in the minority and also in rural areas where the numbers of inhabitants were sometimes small. Local authorities at national institutions played a crucial role in providing a sense of security. All States must give relevant training to such authorities and institutions, with assistance from UNHCR. States were also encouraged to use burden-sharing arrangements to ensure an international security presence when appropriate.

35. In many situations, people returning had been injured or killed by landmines. No one should be compelled to return to areas that were mined. Mine-awareness programmes were imperative, especially for children. Sales and

distribution of landmines must be stopped and extensive demining operations undertaken. States were urged to join international efforts for a total ban on the production, stockpiling, transfer and use of anti-personnel landmines.

36. Property legislation in many countries of origin was often non-existent or unenforceable or provided discriminatory protection. Laws relating to property abandoned during conflict often gave greater rights to those who had moved in than to the original owners and discriminated against women. States must review their property laws to ensure that they were not discriminatory. Where people had been forced to flee and to give ownership deeds to others involuntarily, a fair compensation scheme must be put into place to help them start again.

37. The principle of burden-sharing was poorly defined. It must relate to easing the burden not only of countries of first asylum, but also of countries of origin which were in the process of rebuilding. Materials and financing were needed for rebuilding houses and providing transportation, communication lines, stores, schools and health care. All States were urged to review and increase their commitment to assist in meeting those needs.

38. Reconciliation was an important task because there was often a high level of hatred and intolerance in both countries of asylum and countries of origin. States were urged to encourage and support efforts by UNHCR and other agencies to promote reconciliation measures through local community structures, training and conflict resolution, education for peace and "open cities" programmes.

39. Compliance with international obligations relating to asylum, non-refoulement, voluntary repatriation, the right to return and freedom of movement was essential. There was currently no systematic procedure for discussing the implementation of the 1951 Convention and supplying information on domestic refugee legislation. UNHCR was urged to provide States with a simple reporting questionnaire and to report on the results at the 1998 session of the Executive Committee. The informal consultation process should include work on a more complete monitoring mechanism to ensure that States were held internationally accountable for their refugee policies.

40. The CHAIRMAN, summing up the debate on agenda item 4, said that a number of positive developments in the international environment had been noted. It had been remarked that democracy was more firmly anchored in all parts of the world and that the resolution of long-standing conflicts had permitted many millions of refugees to return home.

41. Nevertheless, concern had been expressed at the complex and volatile context in which humanitarian action now took place. There had been an increase in the number and intensity of ethnically-based conflicts within States, which complicated the problems faced by countries of asylum. In the face of such complexity, it had been clear from the discussion that there were no "turnkey" solutions. Solutions should be tailored to meet the specific characteristics of refugee movements.

42. There had been a clear consensus that humanitarian action needed to be firmly based on internationally accepted principles, which were, as many

speakers had stressed, non-negotiable. Asylum had been stressed as an imperative requirement for those obliged to flee their countries in search of international protection. Humanitarian principles had been seen as equally fundamental to repatriation and the importance of respecting the voluntary nature of refugee repatriation had been emphasized by many speakers. The right of refugees to return to their countries of origin and the obligation of their countries to accept that return had also been affirmed.

43. Concern had been expressed by many speakers about the erosion of accepted principles through restrictive asylum policies and laws and through forcible repatriation. The recent failure to respect asylum in parts of the Great Lakes region of Africa had been a particular cause of grave concern.

44. The legitimate security concerns of countries receiving large refugee influxes had also been widely recognized. In order to sustain asylum and facilitate repatriation, it was important that the humanitarian and civilian nature of refugee camps should be fully respected, that camps should be located away from borders and that access should be provided to UNHCR.

45. A number of speakers had highlighted the importance of early screening and host Governments had been seen as having a responsibility to ensure the separation of armed elements from refugee populations, with assistance from the international community where appropriate. It had been stressed, on the one hand, that refugees must not engage in illegal activities, particularly those which endangered security, and, on the other hand, that they should not be used as scapegoats for the problems of host States.

46. There had been recognition of the burden borne by countries of asylum, particularly developing countries, hosting large numbers of refugees. The principle of international solidarity and burden-sharing had been highlighted by many speakers, particularly in the light of the diminishing resources available to UNHCR.

47. Another strong theme to emerge from the debate had been that humanitarian action could not replace political will and should not be used as a substitute for it. A number of delegations had argued that greater focus was needed on prevention and on tackling root causes. Without detriment to its purely humanitarian and non-political mandate, it had been suggested that UNHCR should play an active role in signalling political developments that might have implications for refugees. The new openness of the Security Council to the humanitarian dimension of crises had been mentioned as a positive development. There had been strong agreement that UNHCR should not be left without political support in the midst of crisis.

48. Regarding repatriation specifically, it had been stressed that the return of refugees to their home countries was not a mere logistics exercise. Bad repatriation, it had been pointed out, could affect reconciliation and increase instability. In countries of asylum, assistance needed to be given in such a way as to promote rather than inhibit returns. A number of speakers had stressed the importance of refugee education in preparing them for return and reintegration.

49. It had been pointed out that conditions conducive to return and reintegration had to be created in countries of origin through system-wide efforts which included institution-building, the strengthening of civil society, the promotion of equity, the elimination of landmines and more effective control of small arms. It had been suggested that development aid policies should be better dovetailed into the emergency phase of operations and better targeted both to prevention and to the facilitation of return.

50. There was widespread support for UNHCR's role in repatriation and initial reintegration. To achieve sustainable reintegration, however, a coherent system-wide response was required. In that regard, UNHCR's efforts to cement relationships with a broad range of partners, including development agencies, human rights organizations and financial institutions, had been widely welcomed. Efforts to systematize relations with other organizations through Memoranda of Understanding had been widely supported. It had been suggested, however, that further synergy needed to be promoted both at the operational level and at the level of governing bodies. Increased collaboration with regional organizations had also been welcomed, as had regional consultations on solutions to refugee problems.

51. The extent of UNHCR's involvement in reintegration had been the subject of some debate. Many delegations had emphasized the need for early involvement of agencies with a comparative advantage in longer-term development. While some speakers had urged UNHCR to take the lead in spearheading United Nations activities to create favourable conditions in countries of origin, others had cautioned UNHCR to avoid mission creep.

52. Many speakers had stressed the need to ensure safety and dignity in the process of repatriation and reintegration and had expressed extensive support for UNHCR's role in the monitoring of returnees.

53. The emphasis placed by UNHCR on promoting reconciliation had been welcomed by many delegations. The "open cities" initiative in Bosnia had been cited as an innovative way of targeting assistance to promote voluntary return and foster reintegration and reconciliation. The role of women in reconciliation had also been highlighted and UNHCR's efforts to promote that role in both Bosnia and Rwanda had been appreciated.

54. A number of delegations had expressed growing concern about the abuse of the asylum process to circumvent migration. Several had expressed the view that failure to return those not in need of international protection undermined asylum. UNHCR's role in such cases had been the subject of some discussion and some speakers had called on it to be more active. Its role might include issuing clear public statements, promoting dialogue and undertaking a passive monitoring role in countries of origin. Other delegations had been cautious in respect of any UNHCR operational role in the return of non-refugees, though it had been suggested that the Office might play a catalytic, "think-tank" role in the study of composite flows, taking the lead with other agencies, including IOM, in that respect.

55. Many of the issues raised would undoubtedly continue to preoccupy the Executive Committee in the months ahead and he looked forward to exploring them further with members in the Standing Committee.

REPORTS ON THE WORK OF THE STANDING COMMITTEE (agenda item 5)

(a) INTERNATIONAL PROTECTION (A/AC.96/882 and 888)

56. Mr. McNAMARA (Director, UNHCR Division of International Protection) said that UNHCR worked closely with many Governments on a wide range of protection issues. In the High Commissioner's opening statement, she had mentioned a number of positive developments, including the generous asylum policies of West African States, integration programmes in Central America and the generally tolerant handling of Bosnian refugees in Europe. During the past year, many thousands of refugees had safely gone home to rebuild their lives, but there had also been a series of human rights violations of virtually unprecedented ferocity.

57. There had been much discussion of the failure of protection in the Great Lakes region. While everyone involved in that crisis, including UNHCR, had made mistakes from which they could learn, the root of the problem lay not with the international protection regime, but with the persistent failure of States to respect treaty obligations. When Governments deliberately and systematically violated the most basic principles of refugee protection with impunity, the system itself was fundamentally weakened. In the Great Lakes region, UNHCR and the refugee law on which its work was based had been more abused than at any time in the past, while violators had sought to shift the blame to others. The unprecedented statement at the current session of the Executive Committee that UNHCR had enticed refugees out of Rwanda and was responsible for starving thousands of them to death showed the depths to which that disowning of responsibility had descended. Supportive Security Council resolutions were welcome, but concrete action on the part of Governments was needed at the internal, bilateral and multilateral levels. Many Governments which had demonstrated their commitment to the principles of justice and humanity on which the refugee regime was based through democracy, good governance, human rights or the fairness and decency of their societies were nevertheless increasingly reluctant to speak out in support of those principles in the politicized context of the refugee situation, perhaps because the domestic refugee policies of many States fell short of international standards.

58. In the case of the Rwandan refugees in Central Africa, as in that of the expulsion of Indo-Chinese refugees from South-East Asia 20 years previously, the violators of refugees' rights in one region were attempting to justify their actions by invoking violations committed by other regions with greater resources. Failure to fulfil treaty obligations was becoming a global norm, as exemplified by the systematic pursuit and killing of civilian groups in the Democratic Republic of the Congo, the mass expulsion of refugees by three countries in the Great Lakes region, organized media and other attacks on UNHCR, physical attacks on humanitarian workers, formal protests by Governments against UNHCR activity in Europe and criticism of States which called on other States to accede to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.

59. UNHCR cooperated with Governments in the majority of its activities, which included providing assistance in the rebuilding of civil societies and the establishment of community services, advising and training government

officials on refugee and statelessness law and rehabilitating refugee-affected areas. But such humanitarian action must take place within a broadly agreed framework of international protection principles and must be based on access and accountability, monitoring and reporting, respect for human rights standards and guarantees of staff security if it was not to be compromised, manipulated and perceived as partial, unfair or discriminatory.

60. Not only UNHCR, but also the prosecutors of the International Criminal Tribunals, the Office of the High Commissioner for Human Rights and non-governmental organizations (NGOs) required State support in order to carry out their mandated functions. The Executive Committee provided an invaluable barometer of the political support on which UNHCR depended and offered interpretative guidance on protection issues in the form of conclusions. It was therefore disturbing that, as a result of prolonged debates during the past year which had often led to the reduction of previously agreed texts, the Executive Committee did not yet have before it a full set of agreed conclusions on protection. The asylum procedure was complicated and expensive for States and the reconciliation of protection principles and legitimate State concerns was a complex task, but refugee protection was not assisted by overzealous efforts to tip the balance towards State interests to the point where the protection content of a number of the Committee's conclusions was seriously marginalized. As one delegation had noted earlier in the week, the Committee's collective task was to move forward. Thanks to support from traditional, and in some cases new, sources, the basic concepts of protection had nevertheless found their way into the conclusions that the Committee had before it, but his Division needed to count on all, not just a few, of the Committee's members in that regard. In recent years and at the current session, there had been a disappointing decline in participation in the discussions on protection by members and observer delegations from several important regions. The Committee played an important role in forging consensus on policy and practice, but, if that consensus was to be genuine, there must be a clear commitment to and participation in the process by all concerned.

61. The conclusions were an important part of the international legal framework for refugee protection. It was easy to claim that the system was flawed and to call for a new regime, but standards and principles were, by definition, time-tested and the problem was often one of implementation. UNHCR encouraged innovative solutions to current problems, as exemplified by its support for temporary protection. However, the "niceties and conditionalities" of repatriation, as one speaker had described them, were in fact essential prerequisites for a safe and viable return. If they stood in the way of impatient political action aimed at provoking mass return without basic safeguards, that was their role.

62. The declarations and rules agreed to by the Committee or the General Assembly must be translated into supportive action by States. However, there was an increasing failure to implement or actively support the Committee's conclusions concerning, inter alia, military attacks on camps, the latter's civilian and humanitarian character, basic conditions of treatment during mass influx, responsibilities in repatriation and minimum standards for due process in determining refugee status, all of which were areas where consensus, even when achieved, had little impact on State practice. He

requested an opportunity to consult with members of the Executive Committee at the next appropriate meeting of the Standing Committee in order to learn what guidance and support the Committee planned to offer UNHCR in the area of protection.

63. If the gap between official rhetoric and political reality continued to grow, UNHCR would be unable to fulfil its protection mandate. That failure would damage the essential principles of justice which had emerged from earlier tragedies and would put millions of the world's most vulnerable populations at risk. Governments must accept the good faith and impartiality of UNHCR, which was not opposed to any Government or party, but was biased in favour of all victims, if productive dialogue was to continue.

64. Mr. LUNDING (Denmark) said that his delegation welcomed the decision to devote a special agenda item to protection and hoped that a statement by the Director of the Division of International Protection would be included in future annual sessions of the Executive Committee. His delegation was deeply disturbed by the gross State violations of which the Director had spoken.

65. In light of the past year's events, it was important to emphasize the obligation of States fully to respect the principle of the non-refoulement of refugees. By acceding to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and by withdrawing reservations to or geographic limitations on those instruments, States formally agreed to treat refugees in accordance with the international minimum standards laid down therein. However, Denmark took the view that the principle of non-refoulement also applied to States which had not yet acceded to the Convention or its Protocol and to those which had made such reservations or limitations and it strongly urged the removal of all geographic limitations.

66. The Note on International Protection (A/AC.96/882) raised concerns about the procedures introduced by a number of States in order to prevent abuse of the asylum system. His Government agreed with UNHCR that such procedures must include all the necessary legal safeguards, including the right to review a decision by an independent body such as the Danish Refugee Council, a highly respected NGO whose review procedures had proven both fair and flexible.

67. Since 1978, Denmark had taken an active part in resettling refugees whose cases had been submitted by UNHCR and he encouraged countries which did not offer resettlement opportunities to consider doing so. He drew attention to the recent establishment by the Nordic countries of a special trust fund, the purpose of which was to identify and provide assistance to countries which had recently made that decision. In view of the serious violations of refugee rights described in document A/AC.96/882 and discussed at the current session, it was important to remember that, under article 35 of the Convention relating to the Status of Refugees, States undertook to cooperate with UNHCR and to facilitate its duty of supervising the application of the Convention. His Government also considered it desirable for States to consult with UNHCR when developing national or regional legal frameworks for refugee protection.

68. Mr. SHAEFER (Germany) said that his delegation welcomed the statement by the Director of the Division of Internal Protection and strongly supported the

Director's appeal to Governments to respect their obligations under international law and to contribute actively to enhancing, rather than weakening, the international protection regime.

69. Turning to the question of the most effective use of the United Nations system's potential in complex emergencies and post-conflict situations and the role of UNHCR, he noted that the Secretary-General's report on the reform of the Organization spoke of the need to decompartmentalize the Organization and to achieve a unity of purpose among its diverse departments, funds and programmes, enabling it to act coherently and deploy its resources strategically, and to forge alliances and partnerships with the specialized agencies (A/51/950, para. 18). The comparative advantages of various elements of the United Nations system could be used to enhance the international protection regime and the protection of individual refugees.

70. The High Commissioner had called for a comprehensive approach to the reintegration of returnees, including closer cooperation with a wide range of partners. His delegation agreed that the work of UNHCR must be part of an integrated strategy for rehabilitation and reconciliation if durable solutions were to be achieved. There was general agreement on the desirability of repatriation and on the idea that, while the mandate of UNHCR included active assistance in the reintegration of returnees, the timely phase-out of its activities was in its own interest. However, experience had shown that "quick exit" strategies and time limits were often unrealistic; there must be a clear phase-out plan and a partner willing and able to take over. The Emergency Relief Coordinator might have an important role to play in that regard.

71. While a comprehensive memorandum of understanding between operational partners was important, the primary need was for effective cooperation on the ground and UNHCR might be forced to remain in situations where its partners for handover were not yet operational. In such cases, UNHCR could contribute its experience, assist in formulating strategies, establish the required programmes and, if needed, transfer personnel and equipment. His delegation welcomed the High Commissioner's reference to enhanced cooperation, not only with traditional partners such as the World Food Programme (WFP) or the United Nations Children's Fund (UNICEF), but also with the United Nations Development Programme (UNDP), the World Bank and the International Monetary Fund (IMF) at the country level.

72. Sustainable solutions would require not only physical rehabilitation and reconstruction, but also efforts aimed at reconciliation, full respect for human rights and the rule of law and the involvement of civil society. In that regard, he welcomed efforts to enhance coordination with the United Nations High Commissioner for Human Rights, who had rightly drawn attention to the interrelationship between human rights violations and refugee problems and the importance of re-establishing respect for human rights as a means of facilitating the return and reintegration of refugees and fostering true reconciliation. He also welcomed the increased cooperation between UNHCR and regional and subregional organizations, examples of which included the Commonwealth of Independent States (CIS) Conference process, the increasing role of the Organization of African Unity (OAU) in solving refugee problems on

the African continent and the closer cooperation between the Organization for Security and Cooperation in Europe (OSCE) and UNHCR in Bosnia and Herzegovina. His Government would continue to contribute actively to those efforts.

73. Ms. ENGLER (Switzerland), welcoming the statement by the Director of the Division for International Protection, said that Switzerland was a member of the working group, which included 10 countries that had decided to set an annual quota for refugee resettlement and met regularly with UNHCR. The 10 countries invested large amounts each year for the resettlement of refugees. The Nordic countries had therefore proposed that more refugees could be resettled with the same funds by exploring resettlement possibilities in the region of the country of origin or the country of first asylum.

74. Switzerland fully supported that proposal. The main purpose of a long-term resettlement solution was to ensure refugee protection, which did not necessarily have to be provided in a region far from the country of origin or the country of first asylum, since there was every likelihood that refugees would be better integrated into a familiar environment. In addition, the Western countries, which were at present virtually the only ones that took in refugees for resettlement, would be able to assist them more effectively by providing solutions suited to conditions in the region of origin, without any increase in expenditure. Switzerland firmly supported any efforts UNHCR might take in that direction as a means of adapting resettlement policy to current political and economic criteria. Her delegation called on other countries to adopt the concept of an annual quota, which would also lead to fairer burden-sharing. After all, the members of the Executive Committee were equally concerned by the decisions that the Committee adopted.

75. Mr. LE LON MINH (Observer for Viet Nam) said that, as indicated in the report of the ninth meeting of the Standing Committee (A/AC.96/894), some 110,000 Vietnamese had been repatriated between 1989 and June 1997 under the Comprehensive Plan of Action (CPA). The success of CPA was undeniable and, as the last opportunity to discuss it might be at the current session of the Executive Committee, his delegation expressed its gratitude to the High Commissioner, her staff, donor countries, countries of first asylum and resettlement and the many NGOs involved.

76. In certain sections of the documents circulated under agenda item 5 (a), persons of a specific group residing in China were described as Vietnamese refugees. He reiterated that there were no Vietnamese refugees in China. Some 20 years previously, a large number of Chinese citizens had returned from Viet Nam to their Chinese homeland, where they had been resettled for two decades. While those in need should continue to receive assistance to stabilize their lives, that issue was a thing of the past and should be closed.

77. Ms. BEDLINGTON (Australia), welcoming the statement by the Director of the Division for International Protection, said that her delegation shared a number of his concerns, particularly about violations of refugees' rights. In an earlier statement, it had expressed its support for the action the High Commissioner had taken in response to threats to her staff and to the discharge of UNHCR's protection mandate in Central Africa. She reiterated that support and endorsed the comments made by the Director of the Division

for International Protection about the inability of the High Commissioner to implement her mandate without the full support of States, both in relation to particular situations and in the Executive Committee.

78. The pressure exerted on asylum systems by persons who did not genuinely need asylum was undermining the institution of asylum itself. She was pleased that a number of delegations had drawn attention to that issue.

79. Her delegation appreciated the work UNHCR was doing in adopting constructive approaches to issues such as international cooperation through regional forums. It called for the expansion of resettlement to meet the needs of those for whom resettlement was the most satisfactory durable solution.

80. Ms. LUND (Norway), welcoming the statement by the Director of the Division of International Protection, said that Norway shared the concern expressed about the erosion of the support of States for the humanitarian principles which had enabled UNHCR to fulfil its protection mandate. The Executive Committee had a special role to play in moving protection ahead and she hoped that the current session would reach conclusions along those lines. Her delegation also wanted to participate actively in the coming year, in the context of the Executive Committee, in an exercise to enable progress to be made on those important issues.

81. Ms. OAKLEY (United States of America) said that the issue of protection was of such fundamental importance that her delegation stressed its support and concern for protection issues, which lay at the very heart of UNHCR's work. The Standing Committee's activities on international protection reflected the past year's efforts on that issue and concern about the breaches of refugee protection that had recently been witnessed.

82. As the High Commissioner had said in her opening statement, great and grave challenges to protection had occurred in the Great Lakes region of Africa. UNHCR had endeavoured, often alone, to continue to protect and assist refugees, despite incredible obstacles. She urged all those present to remember that responsibility for protecting refugees lay with Governments and that the role of UNHCR was to monitor and advise. UNHCR should not become a scapegoat when protection failed. It should, rather, be supported in its efforts to inform the international community of ways in which refugee protection could be improved.

83. Her delegation also stressed the importance of resettlement as an instrument of protection and burden sharing. Over the past five years, the United States had reorganized its refugee resettlement programme to respond to the needs of refugees, for many of whom resettlement was the only solution. She encouraged UNHCR to enhance its ability to identify and refer appropriate cases to resettlement countries.

84. Her delegation commended UNHCR on the progress it had made in providing protection for refugee women and children and dealing with sexual violence as part of the response to public health problems. However, if sexual violence was to be dealt with effectively, it had to be seen as a protection issue. It had to be prevented, not cured.

85. Her country had long recognized the problem of refugee children affected by armed conflict and looked forward to the conclusions on refugee children and adolescents, as the need for effective programmes to protect children under current international law was greater than the need for new standards. She expressed her own and her Government's appreciation to the High Commissioner and her staff for their attention to the fundamental principles of protection, which it was incumbent upon all to respect. When those principles were not upheld, the response should not be to lower them, but jointly to seek ways of bringing practice into line with them.

(b) PROGRAMME, ADMINISTRATIVE AND FINANCIAL MATTERS (A/AC.96/880, 881, 888, 889, 893 and 894)

86. The CHAIRMAN, introducing agenda item 5 (b), invited delegations to comment on the report on the work of the Standing Committee (A/AC.96/893).

87. Mr. CASTRO (Colombia), drawing the attention of the international community to the serious problem of internally displaced persons in Colombia, said that, although the situation was not new, as Colombia had been in the grip of a serious internal armed conflict for almost 40 years, recent developments suggested that the impact of the war on the civilian population had become more acute, particularly as a result of the terrorist activities of the guerrilla forces and of the inappropriately named "paramilitary" groups, which were intent on sabotaging the forthcoming elections and taking control of part of the national territory.

88. There was no consensus on the exact number of displaced persons, but it was generally agreed that it was quite large. Reports by the International Committee of the Red Cross indicated that, in the first six months of 1997, it had provided temporary assistance to some 20.000 persons displaced by the violence in Colombia.

89. The Government was aware of the scale of internal displacement, the diversity of the forms of violence responsible for it and their grave consequences for human rights. It had therefore implemented a comprehensive strategy to prevent mass and uncontrolled population displacements. It was also trying to provide temporary assistance for displaced persons and to assist them with resettlement or voluntary return to their place of origin in a framework of respect for human dignity and the consolidation of their social and economic situation. The strategy focused on the establishment of the Office of the Presidential Adviser for Displaced Persons, the introduction of the National System for Comprehensive Assistance to the Displaced Population and the establishment of the National Information Network and the National Fund for Comprehensive Assistance to Displaced Persons, with an initial government contribution of US$ 10 million.

90. The cooperation of the international community and its agencies was essential to the solution of the problem of internally displaced persons in Colombia. At Colombia's request, the Office of the United Nations High Commissioner for Human Rights had opened an office in Bogotá in early 1997, an agreement had been concluded with the International Committee of the Red Cross and a memorandum of understanding had been signed with UNHCR.

91. In accordance with that policy, Colombia intended to strengthen its relations and cooperation with UNHCR, whose technical capacity and experience were widely recognized. Colombia was particularly interested in identifying the actual scale of internal population displacement caused by the violence and in organizing training seminars for government personnel on refugees, refugee management and their basic needs. It also required assistance from UNHCR to formulate a project to investigate the environmental impact of population displacements in the Amazon region and on the border with Panama. It needed UNHCR's support to organize a national network to prevent and deal with mass population displacements and hoped to benefit from UNHCR's experience to implement a system to care for displaced children.

92. Mr. RODRIGUEZ CEDEÑO (Venezuela) said that his delegation believed that the international community and international institutions as a whole had an obligation to cooperate and coordinate their efforts to promote the broadest possible protection for the world's internally displaced persons. Protection should, however, not be limited to responding to crises; preventive measures had to be taken to deal with the consequences of displacements.

93. His delegation welcomed the proposal which had been made by the delegation of Colombia and would help to lessen the impact of the forcible internal population displacements occurring in Colombia as a result of that country's disturbing domestic situation. UNHCR had specific know-how that could be used to identify and formulate preventive measures on behalf of Colombia's internally displaced population. Action by UNHCR, in conjunction with other institutions such as the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM) and the United Nations Childrens Fund (UNICEF), could provide protection for Colombia's displaced persons and help create a favourable framework for a rapid and comprehensive solution to the crisis.

94. Mr. de PALACIO ESPAÑA (Spain) said that his Government fully supported the work of UNHCR. His delegation had taken note of the statement by the delegation of Colombia and appreciated the efforts being made by the Government of Colombia to deal with the serious situation of its internally displaced population.

95. His delegation had also taken note of the request by Colombia that UNHCR should consider the possibility of cooperating with it and supported UNHCR's efforts to investigate the possibility of establishing a permanent presence in Colombia.

96. His Government also supported the efforts UNHCR was making to strengthen its coordination with other agencies and organizations before replying to Colombia's request. If the decision taken so required, Spain would be willing, on account of its traditional friendship with Colombia, to continue providing support for UNHCR in that country.

The meeting rose at 12.55 p.m.

UN

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.96/SR.523
4 November 1997

ENGLISH
Original: FRENCH

EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-eighth session

SUMMARY RECORD OF THE 523rd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 16 October 1997, at 3 p.m.

Chairman: Mr. SKOGMO (Norway)

CONTENTS

ANNUAL THEME: REPATRIATION CHALLENGES (continued)

CONSIDERATION AND ADOPTION OF PROGRAMME BUDGETS

REPORTS RELATING TO PROGRAMME OVERSIGHT

MEETINGS OF THE STANDING COMMITTEE IN 1998

CONSIDERATION OF THE PROVISIONAL AGENDA OF THE FORTY-NINTH SESSION OF THE EXECUTIVE COMMITTEE

ANY OTHER BUSINESS

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Executive Committee will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-03222 (E)

The meeting was called to order at 3.15 p.m.

ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (continued) (A/AC.96/887)

1. Mrs. von BECKH WIDMANSTETTER (Argentina) said that the main repatriation challenge was that there were so many factors to be taken into consideration. First of all, it was primarily the responsibility of countries of origin to eliminate the economic, political, racial and other causes of population displacements. In order to achieve a genuine durable solution, it would then be necessary to put an end to violations of human rights and the rights of minorities, eliminate poverty, halt environmental degradation and settle ethnic conflicts. Clearly, no organization was capable of carrying out such a task on its own. The assistance of the States concerned and the political and economic support of the international community had to be obtained as part of a coordinated plan involving all interested parties, in other words, both humanitarian organizations and development agencies.

2. Her delegation welcomed the attention the High Commissioner had given to the request for assistance made by the Government of Colombia in connection with a problem of internal population displacement that could spill over into neighbouring countries. Argentina was convinced that comprehensive and coordinated action by United Nations agencies, other international organizations and NGOs would make it possible to offer a comprehensive solution to that complex and daunting problem. It was prepared to help solve the problem through regional cooperation.

3. Argentina paid tribute to UNHCR and its staff, whose assistance had enabled it to charter a military aircraft to transport relief and food supplies to Rwanda. It was devoted to the humanitarian cause and, as a tangible contribution to the work of UNHCR, had offered it the building in which its regional office was located in Buenos Aires. She called on UNHCR to strengthen the dialogue with other international actors, including volunteers, to ensure the coordination of worldwide activities on behalf of refugees.

CONSIDERATION AND ADOPTION OF PROGRAMME BUDGETS (agenda item 6) (A/AC.96/884 and Add.1 to 4; A/AC.96/894)

4. The CHAIRMAN invited Mr. Walzer, Deputy High Commissioner, to introduce agenda item 6.

5. Mr. WALZER (Deputy High Commissioner) said that the High Commissioner was submitting the revised 1997 General Programmes budget, which remained unchanged at US$ 452,612,000, to the Executive Committee for its endorsement. Taking account of Special Programmes, overall budgetary estimates for 1997 under all sources of funds were US$ 1,214,400,000, as against US$ 1,169,200,000 in 1996. Projections for 1998 General Programmes were US$ 440 million and US$ 555,900,000 for Special Programmes, so that, for the first time in six years, the budget should remain below US$ 1 billion.

6. The High Commissioner shared the disappointment expressed by a number of delegations about the reduction in the level of General Programmes, even though it had been widely suggested that they should account for a larger

share of the core activities. Although UNHCR had succeeded in containing and actually reducing budgetary requirements, funding remained a major preoccupation. While greatly appreciating the contributions announced by several Member States during the current session, the High Commissioner renewed her appeal for early pledges so as not to risk a rupture in activities, with severe consequences for those who depended on the generosity of Member States.

7. For 1998, UNHCR foresaw even greater difficulties in securing full and timely funding of both General and Special Programmes. Carry-overs from one year to the next were much lower than in the past and UNHCR's ability to implement the programmes endorsed by the Committee would to a large extent depend on the results of the forthcoming annual Pledging Conference to be held in New York.

8. Under Project Delphi, UNHCR was to review and focus its priorities and promote them through more effective coordination between the various actors and more active participation across the institution. In that respect, it reaffirmed its determination to improve staff-management relations through dialogue, an objective and constructive approach and mutual respect.

9. Turning to agenda item 7, he announced that the accounts had been certified by the external auditors and that progress had been made in the implementation of their recommendations. UNHCR had taken a number of important steps to strengthen its oversight capacity, including, in particular, the signing of a Memorandum of Understanding with the United Nations Office of Internal Oversight Services in New York. However, the High Commissioner recognized that, despite the improvements made, efforts had to continue in that direction.

10. Mr. EFBLOM (Finland), speaking on behalf of the Nordic countries, said that they shared the High Commissioner's concern about the funding projections, in particular with regard to the General Programmes for the current year and for 1998. In view of UNHCR's heavy reliance on voluntary funding, donors were encouraged to respond generously to its appeals. A continuing decline in contribution levels would undoubtedly have serious implications for UNHCR's capacity to assist refugees, particularly since the unpredictability of humanitarian emergencies and political upheavals had become the rule rather than the exception. Against such a background of financial constraints, the Nordic countries advocated prioritizing the scarce resources available and welcomed the efforts made, inter alia, in connection with Project Delphi.

11. Flexibility was also important. In that connection, the Nordic countries endorsed the proposal the United States had made in the Standing Committee on the possibility of transferring certain Special Programmes to the General Programmes budget. Flexibility also required the downsizing of operations in areas where certain tasks could be assumed by other competent organizations and where UNHCR's continued presence was not an absolute necessity. In contrast, its presence could be strengthened in other areas where large-scale repatriation projects were on hold pending an improvement in local circumstances. That approach was less costly than total withdrawal, followed by redeployment at a later stage.

12. Fund-raising and good budgeting practices required the clear determination of objectives. The Nordic countries had noted with concern the observations made by the Board of Auditors about weaknesses in programme management and agreed on the need for clear regional strategies accompanied by situation- and/or country-specific programme goals and operational objectives. Transparency was also a key element in securing funding. ACABQ had recommended the review of criteria for classifying UNHCR expenditure, taking into account the work already done by UNFPA, UNDP and UNICEF on the harmonization of budget presentation. From a donor perspective, it was useful to be able to compare the cost structures of the various humanitarian organizations, while taking into account their individual differences.

13. The work of ACABQ, the Board of External Auditors and the Office of Internal Oversight Services was valuable both for UNHCR and for its Member States in monitoring the use of funds and the efficiency of programme implementation. The Nordic countries trusted that due consideration would be given to those bodies' comments and recommendations. They expressed their deep admiration and appreciation for the work done by UNHCR, whose staff worked devotedly under extremely trying and dangerous conditions.

14. Mr. MORAND (Switzerland), referring to humanitarian coordination, stressed the importance of drawing on the comparative advantages of each humanitarian actor involved, accompanying the implementation of the Secretary-General's reforms with optimal task-sharing among the various United Nations centres and establishing optimum cooperation between all humanitarian agents in order to ensure proactive coordination rather than simply trying to limit potential damage.

15. Social and economic reintegration on return was the responsibility of a great many actors. UNHCR therefore had a specific role to play, as did other actors. In some cases, it worked in isolation, and that could lead to delays or mistakes. Early and joint planning of social and economic reintegration operations by all actors, particularly those involved in development, was necessary to ensure programme durability.

16. As far as resource allocation and use were concerned, his delegation had noted that, in 1996, 69 per cent of the funds allocated to implementing partners had been assigned to national and international NGOs (70 per cent of which had been committed under project agreements with international NGOs, i.e. from the North). It had also noted with satisfaction the comments by the Advisory Committee on Administrative and Budgetary Questions in its report (A/AC.96/884/Add.3) recommending that the accounts of each implementing partner should be regularly audited by an independent audit authority. It also welcomed ACABQ's view that government partners should be treated as normal implementing partners, on the same basis as NGOs, whenever UNHCR entrusted them with a task involving resources donated by Member States.

17. With regard to the use of resources, his delegation took note of a projected decline in the level of expenditure under the General Programmes. In addition, the provisional needs estimate for the Special Programmes in 1998 indicated a considerable reduction. That positive feature should not, however, be seen as paving the way for activities which UNHCR would like to undertake, but which were not within the strict scope of its mandate.

18. The international community should learn lessons from the humanitarian action carried out in connection with the crisis in the Great Lakes region in order suitably to support UNHCR's humanitarian activities. It must be ensured that UNHCR did not again find itself isolated and misunderstood in the midst of a crisis, when the nature of its mandate required it to intervene. His delegation reiterated its support for UNHCR in implementing its overall programme activities for 1998.

REPORTS RELATING TO PROGRAMME OVERSIGHT (agenda item 7) (A/AC.96/883, 884, 885 and Add.1 and 886)

19. Mr. AMUNATEGUI (Director, Inspection and Evaluation Service) said that two projects were under way in connection with evaluation activities. The purpose of the first one, conducted jointly with WFP and UNICEF, was to learn lessons from the operational coordination between those organizations at the regional and local levels during the Great Lakes operation from October 1996 to August 1997. The second project, to be carried out jointly with WFP in Bosnia and Herzegovina, would begin shortly. In addition, the preparation of the inspection procedures handbook had been completed and its second edition had just been distributed. The members of the Senior Management Committee had also received two notes from the Inspector on the generic lessons learned from the most recent inspection missions, particularly on programme and administration issues. The Committee had met for the third time in 1997, in the presence of a representative, from outside UNHCR, of the Office of Internal Oversight Services in New York.

20. He thanked the Government of Switzerland for having organized a seminar, in the framework of the Geneva group composed of the major contributors to the United Nations, on the auditing of accounts and monitoring within United Nations agencies. In addition to the members of the Geneva group, representatives of United Nations administrative departments and internal oversight services had been invited, together with representatives of external departments such as the auditors and the Inspectors of the Joint Inspection Unit. Representatives of the corresponding departments of Governments and private bodies had also taken part. That well-organized seminar had provided an opportunity for a very interesting debate relating, in particular, to the responsibilities of administrations which were primarily responsible for monitoring, before even specialized departments themselves. Attention had also focused on relations between the various oversight departments and Member States, which should engage in a closer dialogue and show greater understanding. It had been seen that internal and external oversight methods could differ depending on those involved, but, above all, much had been learned from the experience of the other organizations and a better understanding gained of the expectations of the Member States of the United Nations in respect of oversight. Other seminars of that kind should be organized in future.

21. Mr. MACDONALD (Australia) said that the Australian Government welcomed UNHCR's commitment to openness and transparency in its financial and programme planning procedures. It welcomed both the report of the Board of Auditors (A/AC.96/885) and UNHCR's response to the report. The report had identified a number of shortcomings in UNHCR's practices, attributable, in particular, to the lack of definition and quantification of project objectives, the absence

of appropriate performance indicators and delays in implementing partners providing audit certificates and monitoring and financial reports. The difficult environment in which UNHCR worked should not affect accountability and effective programme design and implementation. In order better to select its implementing partners, UNHCR could consider instituting a system of prior accreditation of implementing agencies as a means of forming a pool of effective implementing partners.

22. His delegation was concerned that the five recommendations from previous audit reports had still not been fully implemented by UNHCR. It endorsed the draft recommendations calling on UNHCR to report regularly to the next Standing Committee meetings on progress in responding to the recommendations. It viewed UNHCR's programme of evaluation and inspections favourably, but drew attention to the obvious, but nonetheless essential, link between proper project design and effective monitoring and evaluation. Australia was currently assessing the evaluation capacities of a number of multilateral agencies, including UNHCR. It hoped that the assessment would help it not only to examine the various evaluation methods adopted by multilateral agencies, but also to tap into the substantial resources and experience they had gained in delivering relief and development assistance.

23. Mr. BRUN (Denmark) said that one of the previous recommendations that had not fully been implemented, according to the report of the Board of Auditors (A/AC.96/885), related to the need to assess the capabilities of implementing partners to implement major projects. That issue was also raised in the report of ACABQ (A/AC.96/884/Add.3), which stressed that it was of particular importance for UNHCR fully to assess the capacity of implementing partners before concluding an agreement with them. His delegation fully agreed with that statement and urged that further efforts should be made to develop a framework for assessing the capacity of implementing partners with regard to implementation, as well as accounting and auditing.

24. In connection with the use of consultants, which was also dealt with in the report of the Board of Auditors, the nature of UNHCR's work undoubtedly often required the identification and hiring of consultants under time constraints. Quality and transparency should be the guiding principles in setting up procedures for identifying, selecting and hiring consultants. The establishment of terms of reference defining specific targets and delivery dates against which consultants' work could be measured should be the rule, as should the evaluation of each job done.

25. Referring to the report on UNHCR inspection and evaluation activities (A/AC.96/886), his delegation fully agreed with the line of action taken by UNHCR in the field of inspection activities. When it came to evaluation, however, his delegation felt that there was still ground to be covered. Evaluations should be a natural part of the project cycle. Accordingly, they should be planned right from the start of each operation and benchmarks should be built into projects. In order to assess the information provided in the report on current or completed evaluations, an overview of evaluations planned or under consideration for 1998 would have been most welcome. His delegation would very much like to see an evaluation of the implementation of the policy on refugee women and of the Guidelines on the Protection of Refugee Women. Such an evaluation might well reveal the need for the revision of those two

documents, which dated back to 1990 and 1991, respectively. His delegation hoped that, in future, UNHCR would share the results of evaluations with its partners, governmental as well as non-governmental. Evaluations were fundamental to the capacity-building of an organization. UNHCR, with its numerous operations and partners, was in a unique position to build a best-practices knowledge bank which all humanitarian actors could share.

26. Mr. GANDARA GABORIT (Observer for Guatemala) said that UNHCR should be commended on the way in which it used its resources. They had to be used transparently. The Government of Guatemala had found that, as far as UNHCR projects implemented in Guatemala were concerned, auditors were regularly sent on missions to carry out the required audits on the spot. In order further to improve respect for the principle of accountability, auditors should be sent more rapidly.

27. Mr. FAKHOURI (Controller) said that there seemed to be some support among the members of the Executive Committee for the strategy outlined on the question of audit certificates, which had been the subject of earlier discussions. With regard to the choice of implementing partners, a questionnaire had been sent to all of UNHCR's implementing partners requesting them to provide information on their activities, as well as financial data that would make it possible to assess their capacity to implement UNHCR programmes. The replies to the questionnaire would make it possible to set up a database in order to meet the concern just expressed by the Danish delegation. As to the question of consultants, UNHCR acknowledged that it should try to clarify the requirements for hiring them and intended to do so in the coming months.

28. Mr. AMUNATEGUI (Director, Inspection and Evaluation Service) said that UNHCR was aware of the need to integrate evaluations into project cycles and was working in close cooperation with a team that was responsible for setting up the Integrated Management Information System, which would take account of the principles of self-assessment and the incorporation of benchmarks. UNHCR had been unable to submit the evaluation programme for 1998 because it had not yet been defined, but it had certainly taken note of the question of refugee women. He pointed out that, since 1995, UNHCR had been trying to improve the communication of the results of evaluation studies particularly by preparing consolidated reports, which it hoped to be able to submit in greater numbers in future.

29. The CHAIRMAN suggested that a decision on draft decision DC/CN.6 should be postponed until the consideration of the report of the Executive Committee. He nevertheless took it that the Executive Committee was already prepared to adopt the target of US$ 440 million set for the General Programme budget in subparagraph (d) of the draft decision.

30. If there were no objections, he would take it that the Executive Committee adopted the 1998 General Programmes budget.

31. It was so decided.

MEETINGS OF THE STANDING COMMITTEE IN 1998 (agenda item 8)

32. The CHAIRMAN said that, if there were no objections, he would take it that the Executive Committee postponed its decision on draft decisions DC/CN.7 and DC/CN.8 until the consideration of its report.

33. It was so decided.

34. Mr. HALL (Secretary of the Executive Committee) said that Costa Rica, Guatemala, Guinea and the Niger should be added to the list of candidacies in subparagraph (a) of draft decision DC/CN.8.

CONSIDERATION OF THE PROVISIONAL AGENDA OF THE FORTY-NINTH SESSION OF THE EXECUTIVE COMMITTEE (agenda item 9)

35. The CHAIRMAN said that, if there were no objections, he would take it that the Executive Committee postponed its decision on draft decision DC/CN.9 until the adoption of its report.

36. It was so decided.

ANY OTHER BUSINESS (agenda item 10)

Statement by the Chairman of the Staff Council

37. Mr. ISHAK (Chairman of the Staff Council) said that the protection and voluntary repatriation of refugees had been severely tested. In an unstable and volatile period, particularly in the political sphere, the commitment and dedication of UNHCR's staff had been decisive to its operational viability. UNHCR staff, both at headquarters and in the field, deserved the international community's recognition and support.

38. The Staff Council appreciated the possibility offered to it at each session to address the Executive Committee and to convey its views to it directly. At a time when major initiatives for change were being taken by management, it was vital for UNHCR's governing body to keep a watchful eye on developments and to lend an attentive ear to staff representatives. The Council emphasized that the continuation of Project Delphi was an obstacle to the introduction of the necessary changes. The staff was certainly aware of the concerns of donors over rising overheads, but could not see how efficiency could be improved by arbitrary staff cuts. Moreover, despite the elimination of some 100 posts at headquarters, overheads had risen to unprecedented levels in 1997.

39. The number of UNHCR's staff members had increased enormously since the beginning of the 1990s, rising from fewer than 2,000 to more than 6,000 in 1997. The organization had 250 offices in 120 countries and intervened in situations that were completely new to it. The growth reflected the need for UNHCR to respond to contemporary challenges and to assume new responsibilities. Staff numbers were adjusted each year on the basis of UNHCR's operational requirements, a need that was fully understood by staff. However, staff cuts had never been implemented in a manner so damaging to staff morale as under Project Delphi. There was no denying that the staff were disappointed that the situation had been allowed to reach that stage.

40. The staff was not opposed to change and was prepared to accept difficult decisions. However, it expected to be included in consultations and treated in conformity with the principles of the United Nations. It was disappointed that the cooperation it had shown had been used to undermine job security within the organization.

41. UNHCR's governing body had an obligation to ensure that the right of the staff to organize and to defend itself was properly exercised within the Office. Although the Staff Council was elected by all staff members, its task in representing staff was made extremely difficult by the absence of a proper system or formal framework for consultation between staff and management. The Staff Council was excluded from the decision-making process and merely informed of decisions once they had been taken.

42. Turning to staff concerns, he said that, although locally recruited staff accounted for 60 per cent of UNHCR's staff, they were the most disadvantaged when it came to career development. However, that grave injustice was secondary when set against their security dilemmas. Contrary to the provisions of the United Nations Field Security Handbook, local staff in Zaire and in other countries had not been involved in the planning, preparation and implementation of security arrangements. They had deplored the lack of information and had unanimously condemned UNHCR's failure to protect its own staff. The time had come for an in-depth review of the legal status of local staff in the context of evacuation and the assistance of the Executive Committee on that question would be valuable.

43. With regard to general service staff at headquarters, their thorough knowledge of the Office's functioning had not been drawn on under Project Delphi. They deplored the absence of transparency, which was illustrated by the fact that management had been unable to inform them of the basis for its decision to cut up to 250 posts at headquarters.

44. As far as staff in the professional category were concerned, a discreet distinction seemed to be made between two subgroups of international staff, depending on whether the staff rules applied to them or not. The Staff Council was gravely concerned by the reports that the recommendations made by the appointments and promotions bodies had been disregarded, in total breach of the rules of transparency and integrity. Moreover, while a relatively large number of international staff remained unassigned, external recruitment was continuing. Such apparent disregard for cost-effectiveness was disturbing, particularly since most violations of established rules were apparently committed by senior staff in UNHCR.

45. On a positive note, the management had recognized that the existing consultative machinery was inappropriate and that UNHCR suffered from problems manifestly related to the lack of proper consultation. Measures were being taken to make good that shortcoming and it was to be hoped that evidence that they had borne fruit would be presented to the next session of the Executive Committee. For its part, UNHCR's staff pledged to cooperate fully with the High Commissioner in carrying out the responsibilities entrusted to her by the Executive Committee.

The meeting rose at 4.40 p.m.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.96/SR.524
22 October 1997

Original: ENGLISH

EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-eighth session

SUMMARY RECORD OF THE 524th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 17 October 1997, at 10 a.m.

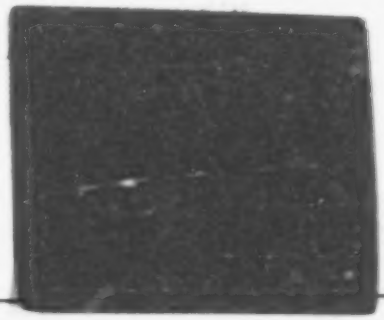
Chairman: Mr. SKOGMO (Norway)

CONTENTS

ADOPTION OF THE DRAFT REPORT OF THE FORTY-EIGHTH SESSION OF THE EXECUTIVE COMMITTEE

CLOSING STATEMENT BY THE HIGH COMMISSIONER

CLOSURE OF THE SESSION



This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Executive Committee will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-03200 (E)

The meeting was called to order at 10.40 a.m.

ADOPTION OF THE DRAFT REPORT OF THE FORTY-EIGHTH SESSION OF THE EXECUTIVE COMMITTEE (document without a symbol) (agenda item 11)

1. The CHAIRMAN invited the Rapporteur to introduce the draft report of the forty-eighth session.

2. Mr. IRUMBA (Rapporteur) said that the nine decisions and conclusions contained in the draft report had been the subject of intensive consultations. Although some issues had been much debated, a constructive spirit of consensus had prevailed.

3. Mr. HALL (Secretary of the Executive Committee) drew attention to two additions to paragraph 26 of the draft report on observer participation in 1997-1998. The Kyrgyz Republic should be added to paragraph 26 (a) and the Organization of the Islamic Conference should be added to paragraph 26 (c).

4. Mr. VENU (India) proposed that the following subparagraph should be added at the end of paragraph 21 containing the draft conclusion on refugee children and adolescents: "Calls upon all States to participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts with the aim of an early agreement on the text".

5. The draft report of the forty-eighth session of the Executive Committee, as amended, was adopted.

6. Mr. LEBEDEV (Russian Federation) said that his delegation welcomed the adoption of the conclusion on the implementation of the Programme of Action of the Geneva Conference, recognizing an acute situation of forced migration involving a population of approximately 300 million people. He hoped that the recommendations it contained would help interested Governments once more to review the question of mobilizing the necessary resources to support the measures taken by the countries of the Commonwealth of Independent States in that area. Due account must also be taken of the CIS countries' adherence to the principles and policy agreed on in the Programme of Action despite the pressure from involuntary migration being experienced by certain CIS countries.

7. The Russian Federation was of the view that individual, national and international security were interconnected elements of common security. Because it supported UNHCR's efforts to resolve many refugee crises, because of its special position at the crossroads of mass forced migration influxes and because it used significant amounts of its own means to help prevent those refugee flows from spreading to other countries, the Russian Federation had the right to expect a more intensive and balanced consideration of needs in that area.

CLOSING STATEMENT BY THE HIGH COMMISSIONER

8. Mrs. OGATA (High Commissioner for Refugees) said that the number and level of the delegations which had participated in the Executive Committee's

session reflected a broad interest in humanitarian affairs and refugees in particular. She was encouraged by the members' appreciation of UNHCR's difficulties and hoped that that sympathy would be translated into the political and financial support required to carry out UNHCR's mandate. She thanked those members that had pledged additional resources and said she counted on the members' shared determination to tackle the root causes of political, social and economic instability that generated population movements.

9. She expressed particular thanks to the High Commissioner for Human Rights for addressing the Executive Committee and for stressing the importance of cooperation between the two Offices in areas of common concern.

10. She was extremely encouraged by the very strong support given to the rights of asylum and non-refoulement, the non-negotiable foundations of her mandate. To uphold those fundamental refugee rights in practice, however, it was necessary to improve the implementation of humanitarian standards - safe location of camps, civilian character of refugee settlements, separation of armed elements, arrest and trial of those who committed crimes. In cooperation with the Organization of African Unity and its Secretary-General, she hoped to promote in the next few months comprehensive discussions on those issues with Governments in Africa, particularly in the Great Lakes region. She was convinced that promoting the correct application of humanitarian standards would, in the long term, result in increased regional stability and security.

11. The statement by the delegation of Rwanda had focused on the necessity to take account of the legitimate security concern of Governments when seeking solutions to refugee problems, a point she had emphasized herself in her opening statement. She disagreed, however, with the rather simplistic suggestion that that should be achieved by ignoring principles or by eliminating conventions and agreements which provided the framework for their implementation. In the refugee camps in the former Zaire, it had been the failure to apply the provisions embodied in refugee conventions, rather than the rigid application of principles, that had eventually contributed to insecurity and conflict. It must not be forgotten that millions of refugees owed their lives to the application of the generous provisions of humanitarian instruments, in particular the OAU Convention.

12. Turning to the statement of the Democratic Republic of the Congo, she said she appreciated the magnitude of the reconstruction task which the new Government must accomplish. With that in mind, UNHCR had allocated almost $20 million in January to rehabilitate areas affected by the massive presence and repeated displacements of refugees and other victims of conflict since 1994. She was also fully aware that the presence of certain undeserving elements among refugees had been, and still was, a very legitimate security concern for the Government. She would not further elaborate on UNHCR's attempts to obtain support in separating armed elements and political extremists from genuine refugees between 1994 and 1996, nor on its proposal, which had not been accepted, that Rwandan asylum-seekers remaining in the Democratic Republic of the Congo should be subject to proper refugee status determination procedures.

13. She did wish, however, to respond to three specific points raised by the Congolese delegation. First, when refugees had died, it had not been because humanitarian agencies had not tried to assist them, but because they had not been allowed to do so. Secondly, she categorically rejected any allegations that UNHCR staff had been involved in political activities. Thirdly, it had never been UNHCR's intention, in calling for respect for the rights to asylum and non-refoulement, to create or prolong refugee situations artificially. Cooperative relations between Governments and her Office must be based on UNHCR's respect for State sovereignty and their respect for its mandate. Such grave and unsubstantiated allegations against the integrity of her Office and its staff, made in the Executive Committee itself, were unprecedented and did not help forge much needed constructive dialogue and mutual respect. Her Office had discussed matters with the delegation of the Democratic Republic of the Congo and she trusted that they could continue to work together and re-establish a solid basis for cooperation.

14. She was pleased that the Executive Committee provided many opportunities for herself and her colleagues to carry out important consultations with delegations. Direct contacts were invaluable in dissipating mistrust and promoting understanding.

15. Concerning other regions, she had listened with attention to the Colombian delegation's request for her Office to help it solve the problems of its internally displaced. She had decided to ask the Assistant High Commissioner to visit Colombia to assess whether UNHCR could play a role in that troubled area.

16. As to the role of UNHCR in the post-conflict rehabilitation process, she wished to clarify a number of issues. UNHCR had no mandate, expertise or capacity for enlarging the scope of its humanitarian work into development activities. Voluntary return in safety and dignity remained the fundamental aim of all its repatriation operations and obliged it to be involved in the post-conflict rehabilitation and reconciliation process.

17. Its approach had two objectives. First, it needed greater assurances from development agencies that they would address the social, economic and psychological needs of returnees in their longer-term programmes. An earlier collaboration and a more horizontal division of work was preferable to the "relief to development" sequential model of post-conflict activities. Secondly, UNHCR must plan and implement its own short-term, quick impact projects with reconciliation in focus; that would help make repatriation sustainable and prevent further involuntary displacement of populations.

18. She re-emphasized UNHCR's readiness to participate actively in a common United Nations endeavour for planning at the onset of crises and for implementing post-conflict rehabilitation strategies in a collaborative manner. In that context, it was important that donor Governments should take note of the need expressed by the representatives of many countries of the South, especially Africa, for more resources to be allocated to communities hosting refugees or receiving returnees.

19. In the challenging year ahead, UNHCR would continue to be heavily involved in Bosnia and the Great Lakes region. It would proceed with the

repatriation of Liberians, in support of which the cooperation of the asylum countries and of ECOWAS would be indispensable. It hoped to accelerate the UNHCR Consultative Process covering Central and South West Asia and the Middle East (CASWAME) and the CIS Conference process. The commitment of the countries concerned would be essential, but she also wished to refer to UNHCR's important partnership with the International Organization for Migration, particularly in the CIS.

20. The CHAIRMAN expressed deep appreciation to Mr. Hall, who would be leaving Geneva for an important new assignment in UNHCR, for his outstanding service as Secretary of the Executive Committee over the past six years.

CLOSURE OF THE SESSION (agenda item 12)

21. The CHAIRMAN declared the forty-eighth session of the Executive Committee closed.

The meeting rose at 11.10 a.m.